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The Political Reformation  
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## DEMOCRATIC PLATFORM.

The Democratic party of the Union, through its representatives in National Convention assembled, recognizes that, as the nation grows older, new issues are born of time and progress, and old issues perish. But the fundamental principles of the Democracy, approved by the united voice of the people, remain, and will ever remain, as the best and only security for the continuance of free government. The preservation of personal rights; the equality of all citizens before the law; the reserved rights of the States; and the supremacy of the Federal Government within the limits of the Constitution, will ever form the true basis of our liberties, and can never be surrendered without destroying that balance of rights and powers which enables a continent to be developed in peace, and social order to be maintained by means of local self-government.

But it is indispensable for the practical application and enforcement of these fundamental principles, that the Government should not always be controlled by one political party. Frequent change of administration is as necessary as constant recurrence to the popular will. Otherwise abuses grow, and the Government, instead of being carried on for the general welfare, becomes an instrumentality for imposing heavy burdens on the many who are governed, for the benefit of the few who govern. Public servants thus become arbitrary rulers.

This is now the condition of the country. Hence a change is demanded. The Republican party, so far as principle is concerned, is a reminiscence; in practice, it is an organization for enriching those who control its machinery. The frauds and jobbery which have been brought to light in every department of the Government, are sufficient to have called for reform within the Republican party; yet those in authority, made reckless by the long possession of power, have succumbed to its corrupting influence, and have placed in nomination a ticket against which the independent portion of the party are in open revolt.

Therefore a change is demanded. Such a change was alike necessary in 1876, but the will of the people was then defeated by a fraud which can never be forgotten, nor condoned. Again, in 1880, the change demanded by the people was defeated by the lavish use of money contributed by unscrupulous contractors and shameless jobbers who had bargained for unlawful profits, or for high office.

The Republican party during its legal, its stolen, and its bought tenures of power, has steadily decayed in moral character and political capacity.

Its platform promises are now a list of its past failures.

It demands the restoration of our Navy. It has squandered hundreds of millions to create a navy that does not exist.

It calls upon Congress to remove the burdens under which American shipping has been depressed. It imposed and has continued those burdens.

It professes the policy of reserving the public lands for small holdings by actual settlers. It has given away the people's heritage till now a few railroads,

and non resident aliens, individual and corporate, possess a larger area than that of all our farms between the two seas.

It professes a preference for free institutions. It organized and tried to legalize a control of State elections by Federal troops.

It professes a desire to elevate labor. It has subjected American workingmen to the competition of convict and imported contract labor.

It professes gratitude to all who were disabled, or died in the war, leaving widows and orphans. It left to a Democratic House of Representatives the first effort to equalize both bounties and pensions.

It proffers a pledge to correct the irregularities of our tariff. It created and has continued them. Its own Tariff Commission confessed the need of more than twenty per cent. reduction. Its Congress gave a reduction of less than four per cent.

It professes the protection of American manufactures. It has subjected them to an increasing flood of manufactured goods, and a hopeless competition with manufacturing nations, not one of which taxes raw materials.

It professes to protect all American industries. It has impoverished many to subsidize a few.

It professes the protection of American labor. It has depleted the returns of American agriculture—an industry followed by half our people.

It professes the equality of all men before the law. Attempting to fix the status of colored citizens, the acts of its Congress were overset by the decisions of its Courts.

It "accepts anew the duty of leading in the work of progress and reform." Its caught criminals are permitted to escape through contrived delays or actual connivance in the prosecution. Honeycombed with corruption, outbreking exposures no longer shock its moral sense. Its honest members, its independent journals, no longer maintain a successful contest for authority in its counsels or a veto upon bad nominations.

That change is necessary is proved by an existing surplus of more than \$100,000,000, which has yearly been collected from a suffering people. Unnecessary taxation is unjust taxation. We denounce the Republican party for having failed to relieve the people from crushing war taxes which have paralyzed business, crippled industry, and deprived labor of employment and of just reward.

The Democracy pledges itself to purify the administration from corruption, to restore economy, to revive respect for law, and to reduce taxation to the lowest limit consistent with due regard to the preservation of the faith of the Nation to its creditors and pensioners.

Knowing full well, however, that legislation affecting the occupations of the people should be cautious and conservative in method, not in advance of public opinion, but responsive to its demands, the Democratic party is pledged to revise the tariff in a spirit of fairness to all interests.

But in making reduction in taxes, it is not proposed to injure any domestic industries, but rather to promote their healthy growth. From the foundation of this Government, taxes collected at the Custom House have been the chief source of federal revenue. Such they must continue to be. Moreover, many industries have come to rely on legislation for a successful continuance, so that any change of law must be at every step regardful of the labor and capital thus involved. The process of reform must be subject in the execution to this plain dictate of justice.

All taxation shall be limited to the requirements of economical government.



The necessary reduction in taxation can and must be effected without depriving American labor of the ability to compete successfully with foreign labor, and without imposing lower rates of duty than will be ample to cover any increased cost of production which may exist in consequence of the higher rate of wages prevailing in this country.

Sufficient revenue to pay all the expenses of the Federal Government, economically administered, including pensions, interest, and principal of the public debt, can be got, under our present system of taxation, from custom house taxes on fewer imported articles, bearing heaviest on articles of luxury, and bearing lightest on articles of necessity.

We therefore denounce the abuses of the existing tariff; and subject to the preceding limitations, we demand that federal taxation shall be exclusively for public purposes and shall not exceed the needs of the Government economically administered.

The system of direct taxation known as the "Internal Revenue," is a war tax, and so long as the law continues, the money derived therefrom should be sacredly devoted to the relief of the people from the remaining burdens of the war, and be made a fund to defray the expense of the care and comfort of worthy soldiers disabled in line of duty in the wars of the Republic, and for the payment of such pensions as Congress may from time to time grant to such soldiers, a like fund for the sailors having been already provided; and any surplus should be paid into the treasury.

We favor an American continental policy based upon more intimate commercial and political relations with the fifteen sister Republics of North, Central and South America, but entangling alliances with none.

We believe in honest money, the gold and silver coinage of the Constitution, and a circulating medium convertible into such money without loss.

Asserting the equality of all men before the law, we hold that it is the duty of the Government, in its dealings with the people, to mete out equal and exact justice to all citizens of whatever nativity, race, color, or persuasion—religious or political.

We believe in a free ballot and a fair count; and we recall to the memory of the people the noble struggle of the Democrats in the Forty-fifth and Forty-sixth Congresses, by which a reluctant Republican opposition was compelled to assent to legislation making everywhere illegal the presence of troops at the polls, as the conclusive proof that a Democratic administration will preserve liberty with order.

The selection of Federal officers for the Territories should be restricted to citizens previously resident therein.

We oppose sumptuary laws which vex the citizen and interfere with individual liberty; we favor honest civil service reform; and the compensation of all United States officers by fixed salaries; the separation of Church and State; and the diffusion of free education by common schools, so that every child in the land may be taught the rights and duties of citizenship.

While we favor all legislation which will tend to the equitable distribution of property, to the prevention of monopoly, and to the strict enforcement of individual rights against corporate abuses, we hold that the welfare of society depends upon a scrupulous regard for the rights of property as defined by law.

We believe that labor is best rewarded where it is freest and most enlightened. It should therefore be fostered and cherished. We favor the repeal of all laws restricting the free action of labor, and the enactment of laws by which labor organizations may be incorporated, and of all such legislation as will tend to enlighten the people as to the true relations of capital and labor.

We believe that the public lands ought, as far as possible, to be kept as homesteads for actual settlers; that all unearned lands heretofore improvidently granted to railroad corporations by the action of the Republican party should be restored to the public domain; and that no more grants of land shall be made to corporations, or be allowed to fall into the ownership of alien absentees.

We are opposed to all propositions which upon any pretext would convert the General Government into a machine for collecting taxes to be distributed among the States, or the citizens thereof.

In reaffirming the declaration of the Democratic platform of 1856, that "the liberal principles embodied by Jefferson in the Declaration of Independence, and sanctioned in the Constitution which make ours the land of liberty and the asylum of the oppressed of every nation, have ever been cardinal principles in the Democratic faith," we nevertheless do not sanction the importation of foreign labor, or the admission of servile races, unfitted by habits, training, religion or kindred for absorption into the great body of our people, or for the citizenship which our laws confer. American civilization demands that against the immigration or importation of Mongolians to these shores, our gates be closed.

The Democratic party insists that it is the duty of this Government to protect, with equal fidelity and vigilance, the rights of its citizens, native and naturalized, at home and abroad, and to the end that this protection may be assured, United States papers of naturalization, issued by courts of competent jurisdiction, must be respected by the Executive and Legislative departments of our own Government, and by all foreign powers.

It is an imperative duty of this Government to efficiently protect all the rights of persons and property of every American citizen in foreign lands, and demand and enforce full reparation for any invasion thereof.

An American citizen is only responsible to his own Government for any act done in his own country, or under her flag, and can only be tried therefor on her own soil and according to her laws; and no power exists in this Government to expatriate an American citizen to be tried in any foreign land for any such act.

This country has never had a well-defined and executed foreign policy save under Democratic administration; that policy has ever been, in regard to foreign nations, so long as they do no act detrimental to the interests of the country or hurtful to our citizens, to let them alone; that as the result of this policy we recall the acquisition of Louisiana, Florida, California, and of the adjacent Mexican territory by purchase alone; and contrast these grand acquisitions of Democratic statesmanship with the purchase of Alaska, the sole fruit of a Republican administration of nearly a quarter of a century.

The Federal Government should care for and improve the Mississippi river and other great waterways of the Republic, so as to secure for the interior States easy and cheap transportation to tidewater.

Under a long period of Democratic rule and policy, our merchant marine was fast overtaking and on the point of outstripping that of Great Britain.

Under twenty years of Republican rule and policy, our commerce has been left to British bottoms, and almost has the American flag been swept from off the high seas.

Instead of the Republican party's British policy, we demand for the people of the United States an American policy.

Under Democratic rule and policy, our merchants and sailors, flying the stars and stripes in every port, successfully searched out a market for the varied products of American industry.

Under a quarter century of Republican rule and policy, despite our manifest advantage over all other nations in high-paid labor, favorable climates and teeming soils ; despite freedom of trade among all these United States ; despite their population by the foremost races of men and an annual immigration of the young, thrifty and adventurous of all nations ; despite our freedom here from the inherited burdens of life and industry in old-world monarchies—their costly war navies, their vast tax-consuming, non-producing standing armies ; despite twenty years of peace—that Republican rule and policy have managed to surrender to Great Britain, along with our commerce, the control of the markets of the world.

Instead of the Republican party's British policy, we demand in behalf of the American Democracy, an American policy.

Instead of the Republican party's discredited scheme and false pretense of friendship for American labor, expressed by imposing taxes, we demand in behalf of the Democracy, freedom for American labor by reducing taxes, to the end that these United States may compete with unhindered powers for the primacy among nations in all the arts of peace and fruits of liberty.

With profound regret we have been apprised by the venerable statesman through whose person was struck that blow at the vital principle of republics (acquiescence in the will of the majority), that he cannot permit us again to place in his hands the leadership of the Democratic hosts, for the reason that the achievement of reform in the administration of the Federal Government is an undertaking now too heavy for his age and failing strength.

Rejoicing that his life has been prolonged until the general judgment of our fellow-countrymen is united in the wish that that wrong were righted in his person, for the Democracy of the United States we offer to him in his withdrawal from public cares not only our respectful sympathy and esteem, but also that best homage of freemen, the pledge of our devotion to the principles and the cause now inseparable in the history of this Republic from the labors and the name of Samuel J. Tilden.

With this statement of the hopes, principles and purposes of the Democratic party, the great issue of Reform and change in Administration is submitted to the people in calm confidence that the popular voice will pronounce in favor of new men, and new and more favorable conditions for the growth of industry, the extension of trade, the employment and due reward of labor and of capital, and the general welfare of the whole country.

## Gov. Cleveland Notified.

The Committee on Notification appointed at Chicago, July 11th, to inform Governor Cleveland that he had been nominated for President by the Democratic National Convention, waited on the Governor, at the Executive Mansion of the State of New York, at Albany, N. Y., July 29th, to give to him the formal notification.

The Chairman, Col. William F. Vilas, in so informing, said :

### Address of Col. Vilas.

GROVER CLEVELAND, GOVERNOR OF THE STATE OF NEW YORK : These gentlemen, my associates here present, whose voice I am honored with authority to utter, are a committee appointed by the National Democratic Convention which recently assembled in Chicago, and charged with the grateful duty of acquainting you, officially and in that solemn and ceremonious manner which the dignity and importance of the communication demand, with the interesting result of its deliberations, already known to you through the ordinary channels of news.

Sir : That august body, convened by direct delegation from the Democratic people of the several States and Territories of the Republic, and deliberating under the witness of the greatest assembly of freemen ever gathered to such a conference, in forethought of the election which the Constitution imposes upon them to make during the current year, have nominated you to the people of these United States to be their President for the next ensuing term of that great office, and with grave consideration of its exalted responsibilities have confidently invoked their suffrages to invest you with its functions. Through this committee the Convention's high requirement is delivered that you accept that candidacy. This choice carries with it profound personal respect and admiration, but it has been in no manner the fruit of these sentiments. The National Democracy seek a President, not in compliment for what the man is or reward for what he has done, but in a just expectation of what he will accomplish as the true servant of a free people fit for their lofty trust.

Always of momentous consequence, they conceive the public exigency to be now of transcendent importance, that a laborious reform in administration as well as legislation is imperatively necessary to the prosperity and honor of the republic, and a competent Chief Magistrate must be of unusual temper and power. They have observed with attention your execution of the public trusts you have held, especially of that with which you are now so honorably invested. They place their reliance for the usefulness of the services they expect to exact for the benefit of the nation upon the evidence derived from the services you have performed for the State of New York. They invite the electors to such proofs of character and competence to justify their confidence that in the nation as heretofore in the State the public business will be administered with commensurate intelligence and ability, with single-hearted honesty and fidelity, and with a resolute and daring fearlessness which no faction, no combination, no power of wealth, no mistaken clamor can dismay or qualify.

In the spirit of the wisdom and invoking the benediction of the divine Teacher of men, we challenge from the sovereignty of this nation, his words in commendation and ratification of our choice. "Well done, thou good and faithful servant, thou hast been faithful over a few things, I will make thee ruler over many things." In further fulfilment of our duty the secretary will now present the written communication signed by the committee.



At the close of the speech of Col. Vilas, Mr. Nicholas M. Bell, of Missouri, Secretary of the Committee, read the following formal address prepared by the committee :

## Address of the Committee.

NEW YORK CITY, July 28, 1884.

*To the Hon. GROVER CLEVELAND, of New York.*

SIR—In accordance with a custom befitting the nature of the communication, the undersigned, representing the several States and Territories of the Union, were appointed a committee by the National Democratic Convention, which assembled at Chicago on the 8th day of the current month, to perform the pleasing office, which by this means we have the honor to execute, of informing you of your nomination as the candidate of the Democratic party in the ensuing election for the office of President of the United States. A declaration of the principles upon which the Democracy go before the people with a hope of establishing and maintaining them in the Government was made by the Convention, and an engrossed copy thereof is submitted in connection with this communication for your consideration. We trust the approval of your judgment will follow an examination of this expression of opinion and policy, and upon the political controversy now made up we invite your acceptance of the exalted leadership to which you have been chosen.

The election of a President is an event of the utmost importance to the people of America. Prosperity, growth, happiness, peace and liberty even, may depend upon its wise ordering. Your unanimous nomination is proof that the Democracy believe your election will most contribute to secure these great objects. We assure you that in the anxious responsibilities you must assume as a candidate you will have the steadfast cordial support of the friends of the cause you will represent. And in the execution of the duties of the high office which we confidently expect from the wisdom of the nation to be conferred upon you, you may securely rely for approving aid upon the patriotism, honor and intelligence of this free people. We have the honor to be, with great respect,

W. F. VILAS, President.

NICHOLAS M. BELL, Secretary.

D. P. BESTOR, Ala.  
FRED W. FORDYCE, Ark.  
NILES SEARLES, Cal.  
M. M. S. WALLER, Col.  
T. M. WALLER, Conn.  
Geo. H. BATES, Del.  
ATTILA COX, Ky.  
JAMES JEFFRIES, La.  
C. H. OSGOOD, Me.  
Geo. WELLS, Md.  
J. G. ABBOTT, Mass.  
DANIEL J. CAMPAN, Mich.  
THOS. E. HEENAN, Minn.  
CHAS. E. HOOKER, Miss.  
DAVID R. FRANCIS, Mo.  
PATRICK FAHY, Neb.  
WILSON G. LAMB, N. C.  
WM. A. QUARLES, Tenn.  
Geo. L. SPEAR, Vt.  
FRANK HEREFORD, W. Va.  
J. T. HAUSER, Mon.  
M. S. MCCORMICK, Dak.  
E. D. WRIGHT, Dist of Col.

D. E. MCCARTHY, Nev.  
J. F. CLOUTMAN, N. H.  
JOHN P. STOCKTON, N. J.  
JOHN C. JACOBS, N. Y.  
G. H. OURY, Ari.  
RANSFORD SMITH, Utah.  
JOHN M. SELCOTT, Idaho.  
W. D. CHIPLEY, Fla.  
M. P. REESE, Ga.  
A. E. STEVENSON, Ill.  
E. D. BANNISTER, Ind.  
L. G. KINNE, Ia.  
C. C. BURNES, Kan.  
THEO. E. HAYNES, Ohio.  
S. L. MCARTHUR, Ore.  
JAMES P. BAIRD, Pa.  
DAVID S. BAKER, JR., R. I.  
JOSEPH H. EARL, S. C.  
JOSEPH E. DWYER, Texas  
ROBERT BEVERLY, Va.  
W. A. ANDERSON, Wis.  
W. B. CHILDERS, N. M.  
D. B. DUTRO, W. T.



## Gov. Cleveland's Reply.

*Mr. Chairman and Gentlemen of the Committee :*

Your formal announcement does not of course convey to me the first information of the result of the Convention lately held by the Democracy of the nation, and yet when, as I listen to your message, I see about me representatives from all parts of the land of the great party which, claiming to be the party of the people, asks them to intrust to it the administration of their government ; and when I consider under the influence of the stern reality which the present surroundings create, that I have been chosen to represent the plans, purposes and policy of the Democratic party, I am profoundly impressed by the solemnity of the occasion and by the responsibility of my position. Though I gratefully appreciate it, I do not at this moment congratulate myself upon the distinguished honor which has been conferred upon me, because my mind is full of anxious desire to perform well the part which has been assigned to me.

Nor do I at this moment forget that the rights and interests of more than fifty millions of my fellow-citizens are involved in our efforts to gain Democratic supremacy. This reflection presents to my mind the consideration which, more than all others, gives to the action of my party in convention assembled its most sober and serious aspect. The party and its representatives, which ask to be intrusted at the hands of the people with the keeping of all that concerns their welfare and their safety, should only ask it with the full appreciation of the sacredness of the trust and with a firm resolve to administer it faithfully and well.

I am a Democrat because I believe that this truth lies at the foundation of true Democracy. I have kept the faith because I believe, if rightly and fairly administered and applied, Democratic doctrines and measures will insure the happiness, contentment and prosperity of the people. If, in the contest upon which we now enter, we steadfastly hold to the underlying principles of our party creed, and at all times keep in view the people's good, we shall be strong, because we are true to ourselves, and because the plain and independent voters of the land will seek by their suffrages to compass their release from party tyranny where there should be submission to the popular will, and their protection from party corruption where there should be devotion to the people's interests.

These thoughts lend a consecration to our cause, and we go forth, not merely to gain a partisan advantage, but pledged to give to those who trust us the utmost benefits of a pure and honest administration of national affairs. No higher purpose or motive can stimulate us to supreme effort or urge us to continuous and earnest labor an effective party organization. Let us not fail in this, and we may confidently hope to reap the full reward of patriotic services well performed.

I have thus called to mind some simple truths, and trite though they are, it seems to me we do well to dwell upon them at this time. I shall soon, I hope, signify in the usual formal manner my acceptance of the nomination which has been tendered to me. In the mean time, I gladly greet you all as co workers in a noble cause.

## Gov. Cleveland's Letter of Acceptance.

ALBANY, N. Y., August 18, 1884.

GENTLEMEN.—I have received your communication dated July 28, 1884, informing me of my nomination to the office of President of the United States by the National Democratic Convention lately assembled at Chicago. I accept the nomination with a grateful appreciation of the supreme honor conferred and a solemn sense of the responsibility which, in its acceptance, I assume. I have carefully considered the platform adopted by the Convention and cordially approve the same. So plain a statement of democratic faith and the principles upon which that party appeals to the suffrages of the people needs no supplement or explanation.

### Duties of the Executive.

It should be remembered that the office of President is essentially executive in its nature. The laws enacted by the legislative branch of the government the Chief Executive is bound faithfully to enforce. And when the wisdom of the political party which selects one of its members as a nominee for that office has outlined its policy and declared its principles, it seems to me that nothing in the character of the office or the necessities of the case requires more from the candidate accepting such nomination than the suggestion of certain well known truths so absolutely vital to the safety and welfare of the nation that they cannot be too often recalled or too seriously enforced.

### Party Corruption.

We proudly call ours a government by the people. It is not such when a class is tolerated which arrogates to itself the management of public affairs, seeking to control the people instead of representing them. Parties are the necessary outgrowth of our institutions; but a government is not by the people when one party fastens its control upon the country and perpetuates its power by cajoling and betraying the people instead of serving them. A government is not by the people when a result which should represent the intelligent will of free and thinking men is or can be determined by the shameless corruption of their suffrages.

### No Second Term.

When an election to office shall be the selection by the voters of one of their number to assume for a time a public trust instead of his dedication to the profession of politics; when the holders of the ballot, quickened by a sense of duty, shall avenge truth betrayed and pledges broken, and when the suffrage shall be altogether free and uncorrupted, the full realization of a government by the people will be at hand. And of the means to this end, not one would, in my judgment, be more effective than an amendment to the constitution disqualifying the President from re-election. When we consider the patronage of this great office, the allurements of power, the temptation to retain public place once gained, and more

than all, the availability a party finds in an incumbent whom a horde of office-holders, with a zeal born of benefits received and fostered by the hope of favors yet to come, stand ready to aid with money and trained political service, we recognize in the eligibility of the President for re-election a most serious danger to that calm, deliberate and intelligent political action which must characterize a government by the people.

#### Protection for Workingmen.

A true American sentiment recognizes the dignity of labor and the fact that honor lies in honest toil. Contented labor is an element of national prosperity. Ability to work constitutes the capital and the wage of labor the income of a vast number of our population, and this interest should be jealously protected. Our workingmen are not asking unreasonable indulgence, but as intelligent and manly citizens they seek the same consideration which those demand who have other interests at stake. They should receive their full share of the care and attention of those who make and execute the laws, to the end that the wants and needs of the employers and the employed shall alike be subserved and the prosperity of the country, the common heritage of both, be advanced. As related to this subject, while we should not discourage the immigration of those who come to acknowledge allegiance to our government and add to our citizen population, yet as a means of protection to our workingmen a different rule should prevail concerning those who, if they come or are brought to our land, do not intend to become Americans, but will injuriously compete with those justly entitled to our field of labor.

#### The Rights of Labor.

In a letter accepting the nomination to the office of governor, nearly two years ago, I made the following statement, to which I have steadily adhered :

"The laboring classes constitute the main part of our population. They should be protected in their efforts peaceably to assert their rights when endangered by aggregated capital, and all statutes on this subject should recognize the care of the State for honest toil, and be framed with a view of improving the condition of the workingman."

A proper regard for the welfare of the workingman being inseparably connected with the integrity of our institutions, none of our citizens are more interested than they in guarding against any corrupting influences which seek to pervert the beneficent purposes of our government ; and none should be more watchful of the artful machinations of those who allure them to self-inflicted injury.

#### No Sumptuary Laws.

In a free country the curtailment of the absolute rights of the individual should only be such as is essential to the peace and good order of the community. The limit between the proper subjects of governmental control and those which can be more fittingly left to the moral sense and self-imposed restraint of the citizen should be carefully kept in view. Thus laws unnecessarily interfering with the habits and customs of any of our people which are not offensive to the moral sentiments of the civilized world, and which are consistent with good citizenship and the public welfare, are unwise and vexatious.

#### Commerce.

The commerce of a nation, to a great extent, determines its supremacy. Cheap and easy transportation should therefore be liberally fostered. Within the limits

of the Constitution the general government should so improve and protect its natural waterways as will enable the producers of the country to reach a profitable market.

#### The Civil Service.

The people pay the wages of the public employees, and they are entitled to the fair and honest work which the money thus paid should command. It is the duty of those intrusted with the management of their affairs to see that such public service is forthcoming. The selection and retention of subordinates in government employment should depend upon their ascertained fitness and the value of their work, and they should be neither expected nor allowed to do questionable party service. The interests of the people will be better protected; the estimate of public labor and duty will be immensely improved; public employment will be open to all who can demonstrate their fitness to enter it; the unseemly scramble for place under the government, with the consequent importunity which embitters official life, will cease; and the public departments will not be filled with those who conceive it to be their first duty to aid the party to which they owe their places, instead of rendering patient and honest return to the people.

#### Honesty and Frugality.

I believe that the public temper is such that the voters of the land are prepared to support the party which gives the best promise of administering the government in the honest, simple and plain manner which is consistent with its character and purposes. They have learned that mystery and concealment in the management of their affairs cover tricks and betrayal. The statesmanship they require consists in honesty and frugality, a prompt response to the needs of the people as they arise, and the vigilant protection of all their varied interests. If I should be called to the Chief Magistracy of the nation by the suffrages of my fellow-citizens, I will assume the duties of that high office with a solemn determination to dedicate every effort to the country's good, and with an humble reliance upon the favor and support of the Supreme Being, who, I believe, will always bless honest human endeavor in the conscientious discharge of public duty.

GROVER CLEVELAND.

To Colonel WILLIAM F. VILAS, chairman, and D. P. BESTOR and others, members of the Notification Committee of the Democratic National Convention.



## Governor Hendricks Notified.

The Committee appointed by the Democratic National Convention to notify the candidates visited Saratoga July 30th, where Governor Hendricks was spending a brief time, and formally notified him of his nomination.

Col. William F. Vilas, of Wisconsin, said :

GOV. THOMAS A. HENDRICKS, OF INDIANA. The great national council of constitutional Democracy of the Union, held at Chicago within this month of July, constituted this committee now before you by selection from each of the several States and Territories of our country, and commissioned it as the official voice of the party to declare to you in fitting terms and with appropriate ceremony—not only in testimony of its respect for your abilities and character, but in pledge of its consideration for the interests of the nation—that you have been nominated by that party to the people to be their Vice-President of the United States for the ensuing term of that exalted trust.

That honorable duty we have journeyed hither from every part of this wide land with pride and pleasure in this manner to discharge. The interesting circumstances of that nomination cannot be unknown to you, and could not but be gratifying to the sensibilities of any right-minded man. It was well understood in that convention that such a distinction was even there unsought and undesired by you. Yet, sir, after many others were presented your name was suggested followed by repeated seconding. Every other name was withdrawn, and amid universal acclaim the roll call responded to your unanimous choice. Then, in exquisite enthusiasm the Convention, with the vast surrounding assemblage, joined with cheer and hymn in a prolonged outbreak of gratified satisfaction. Sir, though Indiana's favored citizens may enjoy with just pride a peculiar honor in the distinguished services you have rendered your party, your State and the nation, and may feel a peculiar attachment for the endearing qualities of your heart and mind, be assured that the Democracy of the nation participates in that sense of honor and affectionate regard in hardly a less degree. They witnessed your long and honorable career, sometimes in the faithful performance of high public trusts, sometimes nobly contending as a soldier in the ranks for the principles of constitutional liberty; but always with firm devotion and unswerving fidelity to the interests and rights of the people; and now they confidently expect of your patriotism to yield all professional wishes and undertake the labors of their candidate, as on their part the people can securely repose upon the ripe experience of your years and wisdom to most satisfactorily meet all the responsibilities of the high office to which you will be called. The Convention felt, as the nation will approve, that it was serving the spirit of the Constitution when it designated for a Vice-President a citizen worthy and competent to execute the highest functions of the Chief Magistracy. It is an especial desire of the Democracy, sir, to see you invested with this particular dignity, because they know, as now all the world knows, that once you were rightfully given title to it by the people and wrongfully denied its possession by the success of machinations, of fraud and conspiracy, and the vindication of exact justice will be most complete when you shall be re-elected, now that you may be triumphantly inaugurated to your rightful chair of office. This sentiment has given discretion to the personal consideration and admiration of the Democracy so abundantly manifested in the recent Convention, and will stir a responsive throb in the hearts of all good men. In finishing the grateful office which the partial favor of these gentlemen, my distinguished associates, has assigned me permit us one and all to express the highest esteem and regard. In a more enduring execution of its duty the committee have prepared and personally signed a written communication which the Secretary will now read.



## The Address of the Committee.

At this point Mr. Bell, the Secretary, read the following address :

HON. THOMAS A. HENDRICKS, OF INDIANA :

SIR: The honor and pleasure of officially notifying you of your nomination as the candidate of the National Democracy in the election about to occur for the office of Vice-President of the United States, whereby the Convention recently held at Chicago conferred upon the undersigned as a committee of that body, designed to represent in our persons the several States and Territories. In grateful performance of the duty, we are entitled to express the admiration of the Convention and of the party for your long and well-known personal qualities and character and for your distinguished public service and maintenance of the principles and objects which are believed best calculated to promote the security, happiness and welfare of the people, and especial satisfaction in the minds of all good men must follow your election from the reflection that in your person the testimony will be peculiarly given that the American people are never conscious or willing instruments of that great public crime by which, thorough fraudulent returns and a flagrant disregard of truth and justice, others were seated in those high offices to which Samuel J. Tilden and yourself were rightfully chosen in 1876, as well as of the patriotism of your great submission, in confident reliance upon the justice of the people for vindication. An engrossed copy of the declaration of principles and policy made by the Convention is submitted with this communication for your examination, and we may surely expect your loyal devotion in the cause of our party to accept the candidacy imposed by your nomination.

W. F. VILLAS, President.

NICHOLAS M. BELL, Secretary.

D. B. BESTOR, Ala.  
FRED W. FORDYCE, Ark.  
NILES SEARLES, Cal.  
M. M. S. WALLER, Col.  
T. M. WALLER, Conn.  
GEO. H. BATES, Del.  
ATTILA COX, Ky.  
JAMES JEFFRIES, La.  
C. H. OSGOOD, Me.  
GEO. WELLS, Md.  
J. G. ABBOTT, Miss.  
DANIEL J. CAMPAU, Mich.  
THOS. E. HEENAN, Minn.  
CHAS. E. HOOKER, Miss.  
DAVID R. FRANCIS, Mo.  
PATRICK FAHY, Neb.  
WILSON G. LAMB, N. C.  
WM. A. QUARLES, Tenn.  
GEO. L. SPEAR, Va.  
FRANK HEREFORD, W. Va.  
J. T. HAUSER, Mont.  
M. S. MCCORMICK, Dak.  
E. D. WRIGHT, Dist. of Col.

D. E. MCCARTHY, Nev.  
J. F. CLOUTMAN, N. H.  
JOHN P. STOCKTON, N. J.  
JOHN C. JACOBS, N. Y.  
G. H. OURY, Ariz.  
RANSFORD SMITH, Utah.  
JOHN M. SELCOTT, Idaho.  
W. D. CHIPLEY, Fla.  
M. P. REESE, Ga.  
A. E. STEVENSON, Ill.  
E. D. BANNISTER, Ind.  
L. G. KINSE, Ia.  
C. C. BURNES, Kan.  
THOS. E. HAYNES, Ohio.  
S. L. MCARTHUR, Ore.  
JAMES P. BARR, Pa.  
DAVID S. BAKER, Jr., R. I.  
JOSEPH H. EATLE, S. C.  
JOSEPH F. DWYER, Texas.  
ROBERT BEVERLY, Va.  
W. A. ANDERSON, Wis.  
W. B. CHILDERS, N. M.  
D. B. DUTRO, W. T.

## Reply of Mr. Hendricks.

MR. CHAIRMAN AND GENTLEMEN OF THE COMMITTEE: I cannot realize that a man should ever stand in the presence of a committee representing a more august body of men than that which you represent. In the language of another, "The Convention was large in numbers, august in culture and patriotic in sentiments;" and may I not add to that that, because of the power and the greatness and the virtues of the party which it represented, it was itself in every respect a very great Convention. (Applause.) The delegates came from all the States and Territories, and I believe, too, from the District of Columbia. (Applause.) They came

clothed with authority to express judgment and opinion upon all those questions which are not settled by constitutional law. For the purpose of passing upon those questions and selecting a ticket for the people that Convention assembled. They decided upon the principles that they would adopt as a platform. They selected the candidates that they would propose to the party for their support, and that Convention's work was theirs. I have not reached the period when it is proper for me to consider the strength and force of the statements made in the platform. It is enough for me to know that it comes at your hands from that Convention addressed to my patriotic devotion to the Democratic party. (Applause.) I appreciate the honor that is done me. I need not question that, but at the same time that I accept the honor from you and from the Convention, I feel that the duties and the responsibility of the office rest upon me also.

I know that sometimes it is understood that this particular office, that of Vice-President does not involve much responsibility, and as a general thing that is so. But sometimes it comes to represent very great responsibilities and it may be so in the near future, for at this time the Senate of the United States stands almost equally divided between the two great parties and it may be that those two great parties shall so exactly differ that the Vice-President of the United States shall have to decide upon questions of law by the exercise of the casting vote. (Applause.) The responsibility would then become very great. It would not then be the responsibility of representing a State or district. It would be the responsibility of representing the whole country and the obligation would be to the judgment of the whole country, and that vote when thus cast should be in obedience to the just expectations and requirements of the people of the United States. It might be, gentlemen, that upon another occasion great responsibility would attach to this office. It might occur that under circumstances of some difficulty—I don't think it will be next election—but it may occur under circumstances of some difficulty, the President of the Senate will have to take his part in the counting of the electoral vote, and allow me to say that duty is not to be discharged in obedience to any set of men or to any party, but in obedience to a higher authority. (Applause.) Gentlemen, you have referred to the fact that I am honored by this nomination in a very special degree. I accept the suggestion that in this candidacy I will represent the right of the people to choose their own rulers. That right that is above all, that lies beneath all; for if the people are denied the right to choose their own officers according to their own judgment, what shall become of the rights of the people at all? What shall become of free government if the people select not their officers? How shall they control the laws, their administration and their execution? So that, in suggesting that in this candidacy I represent that right of the people as you have suggested, a great honor has devolved upon me by the confidence of the Convention. As soon as it may be convenient and possible to do so I will address you more formally in respect to the letter you have given me. I thank you gentlemen. (Applause.)

## Ex-Gov. Hendricks' Letter of Acceptance.

INDIANAPOLIS, August 20, 1884.

GENTLEMEN—I have the honor to acknowledge the receipt of your communication notifying me of my nomination by the Democratic Convention at Chicago as candidate for the office of Vice-President of the United States. May I repeat what I said on another occasion—that it is a nomination which I had neither expected nor desired, and yet I recognize and appreciate the high honor done me by the Convention. The choice of such a body, pronounced with such unusual unanimity and accompanied with so generous an expression of esteem and confidence, ought to outweigh all merely personal desires and preferences of my own. It is with this feeling, and, I trust also from a deep sense of public duty, that I now accept the nomination, and shall abide the judgment of my countrymen. I have examined with care the declaration of principles adopted by the Convention, a copy of which you submit to me, and in their sum and substance I heartily indorse and approve the same. I am, gentlemen, your obedient servant,

T. A. HENDRICKS.

To the Hon. WILLIAM F. VILAS, chairman; NICHOLAS M. BELL, secretary, and others of the Committee of the National Democratic Convention.

## Life of Grover Cleveland.

GROVER CLEVELAND, Governor of the State of New York, was born in Caldwell, Essex county, New Jersey, on March 18, 1837. The house in which he was born, a small two-story wooden building, is still standing. It was the parsonage of the Presbyterian church, of which his father, Richard Cleveland, at the time was pastor.

The family is of New England origin, and for two centuries have contributed to the professions and to business, men who have reflected honor on the name. Aaron Cleveland, Governor Cleveland's great-great-grandfather, was born in Massachusetts; but subsequently moved to Philadelphia, where he became an intimate friend of Benjamin Franklin, at whose house he died.

He left a large family of children who in time married and settled in different parts of New England. A grandson was one of the small American force that fought the British at Bunker Hill. He served with gallantry throughout the Revolution and was honorably discharged at its close as a lieutenant in the Continental army. Another grandson, William Cleveland (a son of a second Aaron Cleveland, who was distinguished as a writer and member of the Connecticut legislature) was Grover Cleveland's grandfather. William Cleveland became a silversmith in Norwich, Connecticut. He acquired by industry some property and sent his son Richard Cleveland, the father of Grover Cleveland, to Yale College, where he graduated in 1824. During a year spent in teaching at Baltimore, Maryland, after graduation, he met and fell in love with a Miss Annie Neale, daughter of a wealthy Baltimore book publisher, of Irish birth. He was earning his own way in the world at the time and was unable to marry; but in three years he completed a course of preparation for the ministry, secured a church in Windham, Connecticut, and married Annie Neale. Subsequently he moved to Portsmouth, Virginia, where he preached for nearly two years when he was summoned to Caldwell, New Jersey, where was born Grover Cleveland. When he was three years old (1841) the family moved to Fayetteville, Onondaga county, New York. Here Grover Cleveland lived until he was fourteen years old, the rugged, healthful life of a country boy. His frank, generous manner made him a favorite among his companions, and their respect was won by the good qualities in the germ which his manhood developed. He attended the district school of the village and was for a short time at the academy. His father, however, believed that boys should be taught to labor at an early age, and before he had completed the course of study at the academy he began to work in the village store at fifty dollars for the first year, and the promise of \$100 for the second year. His work was well done and the promised increase of pay was granted in the second year.

Meanwhile his father and family had moved to Clinton, the seat of Hamilton College, where his father acted as agent to the Presbyterian Board of Home Missions, preaching in the churches of the vicinity. Hither Grover came at his



father's request shortly after the beginning of his second year at the Fayetteville store, and resumed his studies at the Clinton Academy. After three years spent in this town, the Rev. Richard Cleveland was called to the village church of Holland Patent. He had preached here only a month when he was suddenly stricken down and died without an hour's warning. The death of the father left the family in straightened circumstances, as Richard Cleveland had spent all of his salary of \$1,000 per year, which was not required for the necessary expenses of living, upon the education of his children, of whom there were nine, Grover being the fifth. Grover was hoping to enter Hamilton College, but the death of his father made it necessary for him to earn his own livelihood. For the first year (1853-4) he acted as assistant teacher and bookkeeper in the Institution for the Blind in New York City, of which the late Augustus Schell was for many years the patron. In the winter of 1854 he returned to Holland Patent, where the generous people of that place, Fayetteville and Clinton, had purchased a home for his mother, and in the following spring, borrowing twenty-five dollars, he set out for the West to earn his living. Reaching Buffalo he paid a hasty visit to an uncle, Mr. Lewis F. Allen, a well-known stock farmer, living at Black Rock, a few miles distant. He communicated his plans to Mr. Allen, who discouraged the idea of the West, and finally induced the enthusiastic boy of seventeen to remain with him and help him prepare a catalogue of blooded short-horned cattle, known as "Allen's American Herd Book," a publication familiar to all breeders of cattle. For this work young Cleveland was to receive fifty dollars, and his uncle further agreed to secure a position for him in a lawyer's office as a clerk or copyist. His ambition had turned toward the law ever since his days in the Clinton Academy, and it was partially in the hope of finding some opportunity to begin the study of the law that he had first decided to go West. While Grover was working on the pedigrees of cattle his uncle visited the law offices of his Buffalo friends and, after several unsuccessful efforts, secured a place for Grover with Rogers, Bowen & Rogers, one of the leading firms in the county. He entered that office accordingly in August, 1855 and after serving a few months without pay, was paid four dollars a week—an amount barely sufficient to meet the necessary expenses of his board in the family of a fellow-student in Buffalo, with whom he took lodgings. Shortly afterward he took a small room in the attic of the Southern Hotel, then a favorite stopping place with drovers and farmers. Life at this time with Grover Cleveland was a stern battle with the world. He took his breakfast by candle-light with the drovers, and went at once to the office where the whole day was spent in work and study. Usually he returned again at night to resume reading which had been interrupted by the duties of the day. In this manner the foundations of legal knowledge were laid deep and firm at the same time that habits of industry and close application were acquired. Gradually his employers came to recognize the ability, trustworthiness and capacity for hard work in their young employee, and by the time that he was admitted to the bar (1859) he stood high in their confidence. A year later he was made confidential and managing clerk, and in the course of three years more his salary had been raised to \$1,000. In 1863 he was appointed assistant district attorney of Erie county by the District Attorney, the Hon. C. C. Torrance, in recognition of his abilities and his services to the Democratic party.

Since his first vote had been cast in 1858 he had been a staunch Democrat, and had enrolled himself among the young men of his ward to do duty at the polls on election day. It may be stated here that until he was chosen Governor he always



made it his duty, rain or shine, to stand at the polls and give out ballots to Democratic voters. During the first year of his term as assistant district attorney, the Democrats desired especially to carry the board of supervisors. The old Second ward in which he lived was Republican ordinarily by 250 majority, but at the urgent request of the party Grover Cleveland consented to be the Democratic candidate for supervisor, and came within thirteen votes of an election. The three years spent in the district attorney's office were devoted to assiduous labor and the extension of his professional attainments. So vigorously was crime prosecuted and so efficiently did he administer the office that he was nominated for district attorney in 1865, with one voice by the Democrats. The Republicans nominated Mr. Lyman K. Bass, a particular friend of Cleveland's, in order to divide the young men's vote, then beginning to be a prominent factor in Buffalo politics. The election was closely contested, but Bass won by about 500 majority, although Cleveland polled more than the party vote in all the city wards. When he retired from the position of assistant district attorney, in January, 1866, he formed a law partnership with the late Isaac V. Vanderpoel, ex-State Treasurer, under the firm name of Vanderpoel & Cleveland. Here the bulk of the work devolved on Cleveland's shoulders, and he soon won a good standing at the bar of Erie county. In 1869 Mr. Cleveland formed a partnership with ex-Senator A. P. Laning and ex-Assistant United States District Attorney Oscar Folsom, under the firm name of Laning, Cleveland & Folsom. During these years he began to earn a moderate professional income; but the larger portion of it was sent to his mother and sisters at Holland Patent, to whose support he had contributed ever since 1860.

In 1870, at the urgent solicitation of the Democracy and against his own wishes, he consented to be the candidate for sheriff. The election was closely contested, but Mr. Cleveland and the entire Democratic ticket was elected by a good majority. The office of sheriff is the most important position in the county, and its duties were performed by Mr. Cleveland in such a manner as to command the approbation and confidence of the community, as was strikingly demonstrated a few years later. At the expiration of his official term as sheriff (January 1, 1874), Mr. Cleveland resumed the practice of the law, associating himself with the Hon. Lyman K. Bass, his former competitor, and Mr. Wilson S. Bissell. The firm was strong and popular, and soon commanded a large and lucrative practice. Ill health forced the retirement of Mr. Bass in 1879, and the firm became Cleveland & Bissell. In 1881, Mr. George J. Sicard was added to the firm.

In the autumn election of 1881 the Democrats of Buffalo nominated Grover Cleveland for mayor on a platform pledging the party to administrative reform and economy in the expenditures of the city. He was elected by a majority of over 3,500—the largest majority ever given a candidate for mayor—and the Democratic city ticket was successful, although the Republicans carried Buffalo by over 1,000 majority for their State ticket. Grover Cleveland's administration as mayor fully justified the confidence reposed in him by the people of Buffalo, evidenced by the great vote he received. Some of the salient features of his record while in that office are touched upon in other columns.

It was his courageous devotion to the interests of the people and his great executive abilities, which, in the summer and fall of 1882, gave him prominence before the Democracy of the State as a candidate for Governor. The Democratic State Convention met at Syracuse, on September 22, 1882, and nominated Grover Cleveland for Governor on the third ballot. The campaign that followed was auspicious from the beginning and terminated with a triumphant victory. Cleve-

land was elected Governor by a majority of 192,000, by far the largest ever given in this State, and the largest ever given in any State in the Union. He was inaugurated on January 1, 1883.

Grover Cleveland is in his forty-eighth year. Physically he is of a large and powerful frame ; deliberate and firm, but not slow in his motions. His manner and tone of voice are genial and agreeable. He is broad minded and liberal in his habits of thought, and in religious matters especially a man of conscience rather than a man of any one sect or creed. All his surroundings and habits are those of Democratic simplicity. He walks from the Executive Mansion to the Capitol every morning at nine o'clock, returns to lunch at one, and resumes work at two. The evening he usually devotes to work in the Executive Chamber, walking home never earlier than eleven o'clock. His life is wholly without ostentation. Indeed, the key to his character may be found in the moderation of his wants and the frugality of his living. From such sources spring firmness, courage, clear powers of perception, and collected and deliberate judgment and action. In the strongest and truest sense of the words he is a Jeffersonian Democrat, honest, capable, faithful to the Constitution.

# Public Record of Grover Cleveland.

## Corporations.

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The public duties and rights of private corporations have become the subject of repeated consideration by Governor Cleveland; and his views have been stated in terms so explicit and just as to merit and receive the approval of fair-minded men who have informed themselves as to the particular grounds of his action.

In accepting the nomination for Governor, in October, 1882, he thus defined his position, from which he has never wavered:

"Corporations are created by the law for certain defined purposes, and are restricted in their operations by specific limitations. Acting within their legitimate sphere they should be protected; but when by combination or by the exercise of unwarranted power they oppress the people, the same authority which created should restrain them and protect the rights of the citizen. The law lately passed for the purpose of adjusting the relations between the people and corporations should be executed in good faith, with an honest design to effectuate its objects and with a due regard for the interests involved."

Almost the first act performed by him as Governor was in fulfillment of the law here referred to, the Railroad Commission act, which authorized the appointment of three railroad commissioners, one from each of the two great political parties, and one upon the nomination of the Anti Monopoly bodies. Despite great pressure to the contrary, and without waiting for a proposed amendment of the law, Governor Cleveland promptly nominated three commissioners, in literal compliance with the old law, accepting without hesitation the anti-monopoly candidate, Mr. O'Donnell, who now holds his office under the appointment of Governor Cleveland. The fact that the work of the Railroad Commission has been so well done as not only to justify its creation to those even who were originally doubtful of its value, but also to be satisfactory to the anti-monopoly sentiment which led to its formation, is due to the conscientious care with which Governor Cleveland, ignoring every consideration but the purpose of the law, selected the members who were to serve upon it.

### Checking the Aggression of Corporations.

Upon April 2, 1883, the Governor, jealously regarding the interests of the public, as opposed to those of corporations, vetoed a bill tending to increase the power of telegraph companies to use the public streets, from which veto message the following extracts are made:

"A fatal objection to this bill is found in the provision allowing the corporations therein named to enter upon private property, and erect and maintain their

structures thereon, without the consent of the owner. It seems to me that this is taking private property, or an easement therein, with very little pretext that it is for a public use.

"If a private corporation can, under authority of law, construct its appliances and structures upon the lands of the citizen without his consent, not only for the purpose of furnishing light, but in an experimental attempt to transmit heat and power, the rights of the people may well be regarded as in danger from an undue license to corporate aggrandizement."

Upon June 14, 1884, despite great opposition from the parties interested, he signed a bill requiring such companies to put their lines underground on or before November 1, 1885. So, upon May 29, 1883, he vetoed a general street railroad bill, upon the ground that its design was "more to further private and corporate schemes than to furnish the citizens of the State street railroad facilities, under the spirit and letter of the Constitution, and within the limits therein fixed for the benefit of the people."

Upon April 6, 1883, in further exhibition of his disposition to keep corporations within the limit of the laws creating them, he vetoed a bill to extend the time for the payment of the capital stock of a corporation, saying :

"Our laws in relation to the formation of corporations are extremely liberal, and those who avail themselves of their provisions should be held to strict compliance with their requirements. \* \* \* This company and its stockholders have assumed for their own benefit certain relations to the State, to the public and to their creditors, and these relations should not be disturbed. If corporations are to be relieved from their defaults for the asking, their liability to the people with whom they deal will soon become dangerously uncertain and indefinite."

#### Publicity of Corporation Operations Required.

In his message to the Legislature at the beginning of his second year, the Governor, in vigorous language, called attention to the duty of railroad corporations, and of all others as well, to truly inform the public as to their operations. In the present season of distrust and distress, consequent upon a supposed failure to discharge this duty, these words of the Governor are admirably appropriate. After commending the requirement by the Railroad Commissioners of quarterly reports from the railroad companies, he says :

"It would, in my opinion, be a most valuable protection to the people if other large corporations were obliged to report to some department their transactions and financial condition.

"The State creates these corporations upon the theory that some proper thing of benefit can be better done by them than by private enterprise, and that the aggregation of the funds of many individuals may be thus profitably employed. They are launched upon the public with the seal of the State, in some sense, upon them. They are permitted to represent the advantages they possess and the wealth sure to follow from admission to membership. In one hand is held a charter from the State, and in the other is proffered their stock.

"It is a fact, singular though well established, that people will pay their money for stock in a corporation engaged in enterprises in which they would refuse to invest if in private hands.

"It is a grave question whether the formation of these artificial bodies ought not to be checked or better regulated, and in some way supervised.

"At any rate they should always be well kept in hand, and the funds of its citizens should be protected by the State which has invited their investment. While the stockholders are the owners of the corporate property, notoriously they are oftentimes completely in the power of the directors and managers, who acquire a majority of the stock and by this means perpetuate their control, using the corporate property and franchises for their benefit and profit, regardless of the interests and rights of the minority of stockholders. Immense salaries are paid to officers; transactions are consummated by which the directors make money, while the rank and file among the stockholders lose it; the honest investor waits



for dividends and the directors grow rich. It is suspected, too, that large sums are spent under various disguises in efforts to influence legislation.

"It is not consistent to claim that the citizen must protect himself, by refusing to purchase stock. The law constantly recognizes the fact that people should be defended from false representations and from their own folly and cupidity. It punishes obtaining goods by false pretenses, gambling and lotteries.

"It is a hollow mockery to direct the owner of a small amount of stock in one of these institutions to the courts. Under existing statutes, the law's delay, perplexity and uncertainty leads but to despair.

"The State should either refuse to allow these corporations to exist under its authority and patronage, or acknowledging their paternity and its responsibility, should provide a simple, easy way for its people, whose money is invested, and the public generally, to discover how the funds of these institutions are spent, and how their affairs are conducted. It should at the same time provide a way by which the squandering or misuse of corporate funds would be made good to the parties injured thereby.

"This might well be accomplished by requiring corporations to frequently file reports made out with the utmost detail, and which would not allow lobby expenses to be hidden under the pretext of legal services and counsel fees, accompanied by vouchers and sworn to by the officers making them, showing particularly the debts, liabilities, expenditures and property of the corporation. Let this report be delivered to some appropriate department or officer, who shall audit and examine the same; provide that a false oath to such account shall be perjury, and make the directors liable to refund to the injured stockholders any expenditure which shall be determined improper by the auditing authority.

"Such requirements might not be favorable to stock speculation, but they would protect the innocent investors; they might make the management of corporations more troublesome, but this ought not to be considered when the protection of the people is the matter in hand. It would prevent corporate efforts to influence legislation; the honestly conducted and strong corporations would have nothing to fear; the badly managed and weak ought to be exposed."

Thus, it will appear from the Governor's own words, with which his actions have been in full accord, that he has insisted that corporations shall observe the limitations of the laws creating them; that their privileges shall be exercised in subordination to the rights of the public; that their affairs shall be open to public scrutiny; and that to their members and the public alike they shall be honest and fair.

#### The Five Cent Fare Bill—The Public Faith Must be Kept.

In this same spirit of exact and equal justice, which has demanded of corporations compliance with the provisions of law binding upon them, the Governor has observed the express rights given to them by law. His principle has been "The public faith must be scrupulously kept." Upon this principle he undertook to act in the manner of the veto of what has come to be known as the "Five Cent Fare Bill."

The elevated railroads of New York City, under their charters, charged an uniform rate of fare of five cents during certain of the morning and evening hours in which the great body of workmen went to and from their homes, and ten cents for the rest of the day. In 1883, the Legislature passed a bill to make the rate of fare five cents throughout the day. This bill the Governor vetoed, upon the ground that it involved a breach of faith on the part of the State. The general railroad law, passed in 1850, and for nearly a quarter of a century declaring the policy of the State, had promised that the Legislature would not reduce the rates of any railroad until its reduced rates should produce a profit of ten per centum on the capital actually expended. The Governor declared that until the profits of these roads should have been ascertained to exceed this limit, the policy of the State forbade their reduction. A subsequent examination by the



Railroad Commission, consisting of one Democrat, one Republican and one Anti-Monopolist, showed that the earnings of the roads were not such as to justify the proposed reduction of fare, thus justifying the action of the Governor.

Another reason for his veto was found in the express provisions of one of the special acts applicable to one of these roads. It was therein provided that the company should, under bonds, pledge itself to pay a certain percentage into the city treasury, which should "constitute an agreement in the nature of a contract between the city and constructing company, entitling the company to the legalized rates of fare, which shall not be changed without the mutual consent of the parties."

The railroad company having made these payments to the city, the Governor considered that under those terms of this act there had been constituted "an agreement in the nature of a contract" between the city and the company, which the State could not in good faith abrogate.

It also appeared that still another contract in writing, to the same effect, had been made between the rapid transit commissioners and the railroad companies, before the roads were built and to induce their construction, thus constituting a third promise on the part of the public which this bill proposed to break. The Governor did not believe that the people of New York nor its Legislature, when brought to a knowledge of these facts, would desire this great State to be even suspected of trifling with its obligations, and so in a message so explicit as to necessarily reach great length, he transmitted to the Assembly the reasons why he was unable to approve the bill. The effect justified his estimate of the honor of the State and of its legislators. (A majority voted to sustain his veto, while two-thirds would have been necessary to overrule it.) From every side came expressions of commendation for the scrupulous attention that had been given to the maintenance of the public faith, and (though there was dissent from the Governor's conclusion that a contract existed) none doubted but that this being his honest conclusion, he was by his oath bound to disapprove the bill, which he did in the following

### Veto Message.

STATE OF NEW YORK, }  
EXECUTIVE CHAMBER, ALBANY, March 2, 1883. }

To the Assembly:

Assembly bill No. 58, entitled "An act to regulate the fare to be charged and regulated by persons or corporations operating elevated railroads in the City of New York" is herewith returned without approval.

This bill prohibits the collection or receipt of more than five cents fare on any elevated railroad in the City of New York, for any distance between the Battery and Harlem river, and provides, that if any person or corporation operating such elevated railroads shall charge, demand, collect or receive any higher rate of fare, such person or corporation shall, in addition to all other penalties imposed by law, forfeit and pay to any person aggrieved fifty dollars for each offense, to be recovered by such person in any court of competent jurisdiction.

The importance of this measure and the interest which it has excited, has impressed me with my responsibility, and led me to examine, with as much care as has been possible, the considerations involved.

I am convinced that in all cases the share which falls upon the Executive regarding the legislation of the State should be in no manner evaded, but fairly met by the expression of his carefully guarded and unbiased judgment. In his conclusion he may err, but if he has fairly and honestly acted, he has performed his duty and given to the people of the State his best endeavor.

The elevated railroads in the City of New York are now operated by the Manhattan Railway Company, as the lessee of the New York Elevated Railway Company and the Metropolitan Elevated Railway Company.

Of course whatever rights the lessor company have in relation to the running and operation of their respective roads passed to the Manhattan Company under its lease.

The New York Elevated Railway Company is the successor of the West Side and Yonkers Patent Railway Company.

The latter company was formed under and in pursuance of an act passed on the 20th day of June, 1866.

The third section of that act provides that companies formed under its provisions "may fix and collect rates of fare on their respective roads, not exceeding five cents for each mile, or any fraction of a mile, for each passenger, and with rights to a maximum fare of ten cents."

On the 22d day of April, 1867, an act was passed in relation to this corporation, which provides for the manner of constructing its road, the eighth section of which act reads as follows:

"The said company shall be authorized to demand and receive from each passenger within the limits of the City of New York rates of fare, not exceeding for any distance less than two miles five cents, and for every mile or fractional part of a mile in addition thereto one cent; provided that when said railway is completed and in operation between Battery place and the vicinity of the Harlem river, the said company may, at its option, adopt a uniform rate, not exceeding ten cents for all distances upon Manhattan Island, and may also collect said last-named rate for a period of five years from and after the passage of this act."

It was further provided by section 9 of this act that the said company should pay a sum not exceeding five per cent. of the net income of said railway from passenger traffic upon Manhattan Island into the treasury of the City of New York, in such manner as the Legislature might thereafter direct, as a compensation for the use of the streets of the city.

In 1868 a law was passed supplementary to the act last referred to, by which the said company was authorized to adopt such form of motor as certain commissioners should, after due experiment, recommend or approve.

Specific provision was made in the act to carry out section 9 of the law of 1867, in relation to the payment of the five per cent. of the net income of the company into the treasury of the city.

Section 3 of this act contains the following provision: "It shall be the duty of the constructing company aforesaid, before opening its railway to public use, to file with the comptroller of the City of New York, in form to be approved by the mayor of the City of New York, its bond in the penal sum of \$100,000, conditioned upon the true and faithful payment of the revenue in amount and manner specified in the preceding section, and the payment thereof shall be the legal compensation in full for the use and occupancy of the streets by said railway as provided by law, and shall constitute an agreement in the nature of a contract between said city and constructing company, entitling the latter, or its successors, to the privileges and rates of fare heretofore or herein legalized, which shall not be changed without the mutual consent of the parties thereto as aforesaid; and the mayor, on behalf of said city, may, in case of default in payments as aforesaid, sue for and collect at law any arrearages in such payment, and the claims of the city therefor shall constitute a lien on the railway of said company having priority over all others."

The use of what are called dummy engines was afterwards authorized in the operation of said road by the Commissioners above referred to.

The New York Elevated Railroad Company was organized under the general railroad law passed in 1850, and the laws amendatory thereof and supplementary thereto.

Within a short time thereafter the last named company became the purchaser under a foreclosure, and by other transfers, of the railway and all the rights, privileges, easements and franchises of the West Side and Yonkers Patent Railway Company (the name of which had in the meantime been changed to the West Side Elevated Patented Railway Company of New York City).

We have now reached a point where the New York Elevated Railway Company, one of the lessors of the Manhattan Railroad Company, has succeeded to all the rights and property of the West Side and Yonkers Patent Railway Company.

By a law passed on the 17th day of June, 1875 (the railway still being unfinished), it is declared that the New York Elevated Railroad Company, having acquired by purchase under mortgage foreclosure and sale and other transfer, all

the rights, powers, privileges and franchises which were conferred upon the West Side and Yonkers Patent Railway Company by the acts above referred to, is "herby confirmed in the possession and enjoyments of the said rights, powers, privileges and franchises as fully and as large as they were so granted in and by the acts aforesaid to the said West Side and Yonkers Patent Railway Company.

The Court of Appeals, speaking of this law, uses the following language :

"The effect of this act was to secure to the Elevated Railroad Company all the rights, privileges and franchises of the West Side and Yonkers Patent Railway Company under the purchase by and transfer to it."

By the sixth section of this act, it is provided that the New York Elevated Railroad Company might demand and receive from each passenger on its railroad, not exceeding ten cents for any distance of five miles or less, and with the assent required by section three of the act of 1868, hereinbefore referred to, not exceeding two cents for each additional mile or fractional part thereof.

Another act was passed in 1875, commonly called the Rapid Transit Act, which provided for the appointment of commissioners, who, among other things, were authorized to fix and determine the time within which roads subject to the provisions of the act should be completed, together with the maximum rates to be paid for transportation and conveyance over said railways and the hours during which special cars should be run at reduced rates of fare.

Commissioners were duly appointed by the mayor of the City of New York, as provided by this act, who fixed and determined the route of the road of the New York Elevated Railroad Company, and prescribed with the utmost particularity the manner of its construction and therefore deliberately agreed with said company that it should charge as fare upon trains and cars other than what were called by the parties commission trains and cars, for all distances under five miles not to exceed ten cents, and not to exceed two cents for each mile or fraction of a mile over five miles, until the fare should amount to not exceeding fifteen cents for a through passenger from and between the Battery and the intersection of Third avenue and One Hundred and Twenty-ninth street, and from and between the Battery and High Bridge not to exceed seventeen cents for a through passenger, and that for the entire distance from and between the Battery and Fifty-ninth street the fare should not exceed ten cents per passenger.

It was further agreed between the said company and commissioners that commission trains should be run during certain hours in the morning and evening for the accommodation of the public and the laboring classes, upon which the fare should not exceed five cents from and between the Battery and Fifty-ninth street, nor any greater sum for any distance not exceeding five miles; that it should not exceed seven cents for a through passenger from and between the Battery, or any point south thereof and the Harlem river, and that such fare should not exceed eight cents on such commission cars and trains from and between the Battery and High Bridge.

And it was further agreed by said company that when the net income of the road, after all expenditures, taxes, and charges are paid, should amount to a sum sufficient to pay exceeding ten per cent. per annum on the capital stock of the company; that in such case and within six months thereafter, and so long as said net earnings amount to a sum sufficient to pay more than ten per cent. as aforesaid, the said company would run commission trains on its roads at all hours during which it should be operated at the rates of fare last mentioned.

Having thus completed an agreement with this company, the commissioners transmitted the same to the mayor of the City of New York, accompanied by a very congratulatory report of their proceedings, whereupon the mayor submitted the same to the Board of Aldermen, by whom it was approved. This was in the latter part of 1875.

Since that time the New York Elevated Railroad Company, upon the faith of the laws which have been recited, and its proceedings with the commissioners, at a very large expense, has completed its road from the Battery to Harlem river, a distance of about ten miles.

The bill before me provides that notwithstanding all the statutes that have been passed and all that has been done thereunder, passengers shall be carried the whole length of this road for five cents, a sum much less than is provided for in any of such statutes or stipulated in the proceedings of the commissioners.

I am of the opinion that in the legislation and proceedings which I have detailed, and in the fact that pursuant thereto the road of the company was constructed and



finished, there exists a contract in favor of this company, which is protected by that clause of the Constitution of the United States which prohibits the passage of a law by any State impairing the obligation of contracts.

But let it be supposed that this is not so, and that neither of these lesser companies are in any way protected from interference with their rates of fare, but that, on the contrary, they are subject to all the provisions of the general railroad act, under which they are both organized.

Section thirty-three of that act reads as follows :

"The legislature may, when any such railroad shall be opened for use, from time to time alter or reduce the rate of freight, fare or other profits upon said road; but the same shall not, without the consent of the company, be so reduced as to produce with said profits less than ten per centum per annum on the capital actually expended, nor unless on an examination of the amount received or expended, to be made by the State Engineer and Surveyor, and the Comptroller, they shall ascertain that the net income derived by the company from all sources, for the year then last past shall have exceeded an annual income of ten per cent. upon the capital of the corporation actually expended."

Even if the State has the power to reduce the fare on these roads, it has promised not to do so except under certain circumstances and after a certain examination.

I am not satisfied that these circumstances exist, and it is conceded that no such examination has been made.

The constitutional objections which I have suggested to the bill under consideration are not, I think, removed by the claim that the proposed legislation is in the nature of an alteration of the charters of these companies, and that this is permitted by the State Constitution and by the provisions of some of the laws to which I have referred.

I suppose that while the charters of corporations may be altered or repealed, it must be done in subordination to the Constitution of the United States, which is the supreme law of the land. This leads to the conclusion that the alteration of a charter cannot be made the pretext for the passage of a law which impairs the obligation of a contract.

If I am mistaken in supposing that there are legal objections to this bill, there is another consideration which furnishes to my mind a sufficient reason why I should not give it my approval.

It seems to me that to arbitrarily reduce these fares, at this time and under existing circumstances, involves a breach of faith on the part of the State, and a betrayal of confidence which the State has invited.

The fact is notorious that for many years rapid transit was the great need of the inhabitants of the City of New York, and was of direct importance to the citizens of the State. Projects which promised to answer the people's wants in this direction failed and were abandoned. The Legislature, appreciating the situation, willingly passed statute after statute calculated to aid and encourage a solution of the problem. Capital was timid, and hesitated to enter a new field full of risks and dangers. By the promise of liberal fares, as will be seen in all the acts passed on the subject, and through other concessions gladly made, capitalists were induced to invest their money in the enterprise, and rapid transit but lately became an accomplished fact. But much of the risk, expense and burden attending the maintenance of these roads are yet unknown and threatening. In the meantime, the people of the City of New York are receiving the full benefit of their construction, a great enhancement of the value of the taxable property of the city has resulted, and in addition to taxes, more than \$120,000, being five per cent. in increase, pursuant to the law of 1868, has been paid by the companies into the city treasury on the faith that the rate of fare agreed upon was secured to them. I am not aware that the corporations have, by any default, forfeited any of their rights; and if they have, the remedy is at hand under existing laws. Their stock and their bonds are held by a large number of citizens, and the income of these roads depends entirely upon fares received from passengers. The reduction proposed is a large one, and, it is claimed, will permit no dividends to investors. This may not be true, but we should be satisfied it is not before the proposed law takes effect.

It is manifestly important that invested capital should be protected, and that its necessity and usefulness in the development of enterprises valuable to the people should be recognized by conservative conduct on the part of the State government.



But we have especially in our keeping the honor and good faith of a great State, and we should see to it that no suspicion attaches, through any act of ours, to the fair fame of the commonwealth. The State should not only be strictly just, but scrupulously fair, and in its relations to the citizen every legal and moral obligation should be recognized. This can only be done by legislating without vindictiveness or prejudice, and with a firm determination to deal justly and fairly with those from whom we exact obedience.

I am not unmindful of the fact that this bill originated in response to the demand of a large portion of the people of New York for cheaper rates of fare between their places of employment and their homes, and I realize fully the desirability of securing to them all the privileges possible, but the experience of other States teaches that we must keep within the limits of law and good faith, lest in the end we bring upon the very people we seek to benefit and protect a hardship which must surely follow when these limits are ignored.

GROVER CLEVELAND.

Among many expressions in opposition to the bill was a most emphatic communication from the Mayor of the City of New York, earnestly asking for the veto of the bill, concerning which, as a measure particularly relating to the City of New York, the Mayor of that city seemed to be particularly qualified to speak.

The bill having been vetoed, letters of commendation and hearty approval were received from all parts of the State, from men of every shade of political opinion and in every walk of life.

#### The Railroad Commission's Conclusions.

Subsequently to the veto of the bill an examination of the cost and earnings of the elevated railroads was undertaken by the Railroad Commissioners, of whom none reported a limitation of a five-cent fare for the whole day, though one recommended a "judicious extension of the commission hours," by adding three hours, in which a five-cent fare should be charged, and submitted a bill to that effect, which was introduced in the Republican Legislature of 1884, but was defeated by a Republican Senate, and never reached Governor Cleveland.

The report of the majority of the Commission contained the conclusion that a reduction to a five-cent fare throughout the day would, at the number of passengers carried in 1882, "reduce the gross income so as to prevent the roads from even paying interest on their bonded debt in full. The laboring classes of New York are carried between the hours of 5.30 and 8.30 A.M., and 4.30 and 7.30 P.M., at five cents, upon trains which run at intervals of forty-five seconds. The reduction would not so much benefit them, therefore, as it would the class who are better able to pay ten cents than the laborers are to pay five."

Thus did the result show that the Governor was justified in his refusal to weaken respect for the promises of the State, and that in this as in his whole course of action concerning corporations, the Governor has been controlled by no partiality or favoritism, but only by a just regard for the rights of the State and the public, and the observance of public faith.

The suggestion that his action on the Five Cent Fare Bill was taken out of deference to the capitalists controlling those roads is quite absurd in view of the fact that all of those most prominently named in connection with them oppose him and support the Republican candidate for the presidency.

Neither corporations nor corporators have had from him any favor nor any injustice. The equal administration of the laws has been his aim and practice with reference both to them and to the public.

## The Labor Record.

Labor is organized in the State of New York. The chief representative body of the State is "State Trades Assembly." It is not organized alone for political purposes, but has for its real purpose the improvement of the condition of the workingmen in all things. Its participation in matters political is incidental to the real purpose of its existence. In seeking the improvement in the condition of labor, it has through committees for years applied to the great political organizations for assistance and consideration. It has received these only from the Democratic party. Organization in this branch of endeavor has had its effect, as it does everywhere; and so it came about that in 1882, as a result of organization, and for the first time, it presented well defined contentions, with which it appeared before the two great parties of the State—the Democratic and the Republican. The Republican party gave no heed whatever to its requests. The Democratic party listened; and believing in them embraced them in their platform of that year. Upon this platform Grover Cleveland was placed by the Democracy of the State, and upon it he was elected to be Governor. His faithful adherence to the pledges and promises of that platform is known of all men, and so faithful as to be regarded the beginning of a new era in politics, when candidates would regard the obligations of formulated party utterances.

### The Labor Plank of 1882.

The plank relating to labor was the twelfth, and read as follows:

*Twelfth*—We reaffirm the policy always maintained by the Democratic party that it is of the first importance that labor should be made free, healthful and secure of just remuneration. That convict labor should not come into competition with the industry of law-abiding citizens. That the labor of children should be surrounded with such safeguards as their health, their rights of education and their future, as useful members of the community, demand. That workshops, whether large or small, should be under such sanitary control as will insure the health and comfort of the employed, and will protect all against unwholesome labor and surroundings. That labor shall have the same rights as capital to combine for its own protection, and that all legislation which cramps industry, or which enables the powerful to oppress the weak, should be repealed; and, to promote the interests of labor, we recommend the collection of statistics and information respecting the improvements, needs and abuses of the various branches of industry."

This plank Grover Cleveland accepted in its entirety, not only in the letter, but in the spirit, as the subsequent record will show, in the following words, which are taken from his letter of acceptance of the gubernatorial nomination, dated at Buffalo, October 7, 1882:

"The platform of principles adopted by the convention meets with my hearty approval. The doctrines therein enunciated are so distinctly and explicitly stated that their amplification seems scarcely necessitated. If elected to the office for which I have been nominated I shall endeavor to impress them upon my administration and make them the policy of the State."

And again, further on, he says:

"The laboring classes constitute the main part of our population. They should be protected in their efforts to assert their rights when endangered by aggregated capital, and all statutes on this subject should recognize the care of the State for honest toil, and be framed with a view of improving the condition of the workman."

It is now a matter of history that this pledge has been most faithfully fulfilled.

Having thus found the Democratic party and its candidate willing to accept these contentions as their own, the representative laboring men proceeded to put them into effect by drafting bills to present to the Legislature. Thus in an orderly and efficient way, in fact the only way in which to put them into effect, these contentions were formulated into measures. Four bills were introduced in the Legislature of 1883, the first year of Governor Cleveland's term.

#### Bureau of Labor Statistics.

One was the bill providing for the establishment of a Bureau of Labor Statistics. This the labor representatives regarded as by far the most important of all the measures they had presented. So soon as the bill reached him, the Governor showed his intention of keeping his pledges by signing it.

#### Tenement House Cigar Bill.

Another was the bill prohibiting the manufacture of cigars in tenement houses, which the Governor promptly signed. This law was subsequently declared defective in title, and therefore unconstitutional, by the courts; another bill was introduced in the Legislature of 1884, and the defect in the title having been remedied, was passed and the Governor signed it again. It is a fair illustration of the recklessness and audacity which has inspired the effort to mislead the public mind as to the Governor's attitude toward measures of this character, to cite the fact in this place that it has been repeatedly and persistently asserted that the Tenement House Cigar bill was vetoed by him,—a statement absolutely the reverse of true—but not more so than the other charges with which the opposition, valid reasons failing, has endeavored to sustain itself.

#### The Hatters' Bill.

Another was the bill prohibiting the manufacture of woolen hats in the State prisons, penitentiaries and reformatories of the State, and this was promptly signed by the Governor. For several years ineffectual efforts had been made to pass this bill.

#### Convict Labor Bill.

The fourth and last of the series of the labor bills for 1883 was the bill to abolish convict labor in State prisons. This bill met with very great opposition from the Republicans of the Legislature, and Thomas F. Grady, then a Senator from the City of New York, introduced a bill providing that the question be submitted to the voters of the State. Thus it was that the bill never reached the Governor, and no opportunity was afforded him to act upon it during the session of 1883.

The question was submitted to the voters in November, 1883, and decided by a very large majority against the continuance of convict prison labor. Thus it is shown that every bill relating to labor which reached the Governor in 1883 he promptly signed.

#### Returning to the Effort.

In 1884 the labor representatives, encouraged by their successes in 1883, again presented themselves before the Legislature with further demands formulated into measures as follows:

The tenement house cigar bill, to which reference was made above. This was made necessary by the decision of the Court of Appeals that the bill was unconstitutional in that its title was defective. The defect having been remedied, the Governor signed it.



### Convict Labor Again.

The bill prohibiting the employment of convicts in State prisons on contract labor. This was popularly known as the "Comstock" bill, and provided no substitute for the labor the convicts were employed in. There were several defects in the bill as it reached the Governor which would have made it inoperative, but the Governor called in Mr. Thayer, the President of the State Trades' Assembly, and pointing out the defects, among which was that penitentiaries were exempted from the provisions of the bill, suggested a recall of the bill to correct it, which was done, and then it was signed. Had not the Governor been the friend of labor he is, he could have defeated its object by signing it as it came to him. Subsequently, a bill known as the Howe Commission bill passed the Legislature, providing for the appointment of five commissioners, to investigate and report by May first some suitable system for the employment of convicts. After an investigation of only a few days they reported that they could not make a report within the specified time. A bill was then passed extending the time until January 1, 1885. This the Governor vetoed, and in forcible terms, declaring that it was the duty of the Legislature to provide at that session some substitute. The Republican Legislature dallied with the question, and let it die, and the fact is, that as the contracts under which the convicts labor now expire, the convicts will be without work, the responsibility of which must rest upon the Republican Legislature.

### Child Contract Labor Bill.

One of the bills introduced in the interest of labor this year was that making it unlawful for the trustees or managers of any house of refuge, reformatory or other correctional institution, to contract, hire or let the service or labor of any child committed to or an inmate of such institutions. It was passed and signed by the Governor. This is another of the bills which it has been falsely stated the Governor vetoed, and it furnishes a further illustration of the utter recklessness of those who have sought to arouse hostility upon false grounds. It may well be claimed that the fact that these charges, absolutely false as they are, have to be resorted to by the Governor's opponents, offers conclusive proof that there are no good grounds on which such opposition can be based.

### Mechanics' Lien Law.

One of the bills introduced was that one known as the Mechanics' Lien Law. This bill, which was a local act applying only to Kings and Queens counties and the cities of the State, was vetoed by the Governor, and, as an examination shows, clearly in the interest of workingmen. Instead of giving the mechanic the first lien, as was the object of the bill, by an oversight in the drafting of it, it gave to all parties having claims, whether mechanics or not, the first lien, thus reducing the mechanics to a level with all claimants. Moreover it repeated in distinct terms a number of mechanics' lien laws already on the statute books. To make it a law was to sacrifice many real and substantial advantages already possessed by mechanics.

The bill largely increased the cost of enforcing liens and would have chiefly benefited lawyers.

### Conductors' and Drivers' Bill.

Since the year 1870 the Laws of the State of New York have declared that "eight hours shall constitute a legal day's work for all classes of mechanics, workmen and laborers, excepting those engaged in farm and domestic labor, but "overwork for an extra compensation, by agreement between laborer and employer



"is hereby permitted." Though the title and subsequent sections of the law limited this provision to public works, its effect has been generally to establish an eight hour system in the State of New York. It has gone as far in the accomplishment of this purpose as any law could by way of recommendation.

Early in the session of 1884 there was introduced in the Assembly a bill in the following terms :

SECTION 1. On and after the passage of this act it shall be unlawful for any officer or agent of any railroad corporation in any of the cities of this State, whose cars are drawn by horses, to EXACT from conductors or drivers employed by them more than twelve hours' labor FOR A DAY'S WORK, and such corporations shall, out of said twelve hours' labor, allow such conductors and drivers a reasonable time to obtain meals.

§ 2. Any officer or agent of any such corporation who shall violate or otherwise evade the provisions of this act shall be deemed guilty of a misdemeanor, punishable by a fine of not to exceed three hundred dollars or imprisonment not to exceed six months, or both fine and imprisonment for each offense.

§ 3. This act shall take effect immediately.

This bill passed the Assembly promptly, but going to the Senate was there ignored until the last day but one of the session, when it was at first defeated, but upon a reconsideration, it was adopted by a bare constitutional majority.

Owing to this delay by the Legislature, the bill reached the Governor after the final adjournment, when all opportunity for amendment was gone, and when the bill had to be considered upon its merits as a piece of legislation, according to its actual terms, and not as it might have been had more care been taken in expressing the wishes of its promoters.

Unless effective as a law, it would have been worse than useless as a mere recommendation upon the statute books, for it would have recommended a reduction only to twelve hours for a day's work while the statute of 1870 had already set up a standard of eight hours. A scrutiny of the provisions of the bill will show that it would not have been effective as a law, and that it would have tended to impair rather than increase the advisory effect of the eight-hour law of 1870.

Upon a careful consideration of the terms of this bill, it will be perceived that it forbade only one thing—the *exaction* of more than twelve hours' labor *for a day's work* from conductors or drivers of cars drawn by horses.

Every one must concede that this would have been construed by the courts as a penal statute. Nothing could be added to its express provisions, nor could they be enlarged by implication.

Thus construed the bill was meaningless, and would have accomplished nothing as to any case in which it should not be shown :

1. That more than twelve hours' labor had been *exacted*.
2. That it had been so exacted *for a day's work*.
3. The cars were drawn *by horses*.
4. That the offense was committed *in a city*.

There was in the bill :

1. Nothing to prevent a voluntary agreement between the parties to work more than twelve hours, thus inviting litigation in each case as to whether the work had been "exacted" or voluntarily rendered.

2. No applicability to cases where service was rendered not by "day's work" but by the trip, the fact being that in almost all cases men are paid by the trip, a practice which would have become universal had the bill become a law.

3. Nothing to protect conductors of cars drawn by steam or by mules, or drivers of stages.

4. Nothing to cover cases of drivers or conductors of cars, except within the limits of incorporated cities.

Few bills have been so crude or so insufficient to substantially attain the ostensible purpose of their introduction, and even a less kind-hearted man than Governor Cleveland would have hesitated before incorporating in the legislation of this State, as the first bill fixing the hours of labor in one single business, a measure as faulty as this; as little likely to accomplish its professed object, and as likely to result in a diminution of the men's earnings by reason of a reduction of trips, since the general practice, not forbidden by the bill, is to pay not by the day but by the trip. It is a matter of general information that the wages of these hard-working men is now hardly more than sufficient to afford them a bare subsistence.

The general understanding of the character of the measure and the reason why the Senate delayed its passage were declared upon the day of legislative adjournment, and before the bill reached the Governor, by a prominent Republican journal (the *Albany Evening Journal*), now supporting the Republican candidates, in the following terms:

"The Senate, however, gave these matters closer investigation and finding that in many respects the bills checked rather than advanced the cause of labor, declined to concur in them. Among these measures was Mr. Earl's bill fixing hours of labor for horse-car conductors, in behalf only time Speaker Sheard himself took the floor for the only time during the session. In the Senate it was shown that the bill would be inoperative, and it was accordingly lost. It was reconsidered late at night and passed. It is purely a piece of bincombe legislation and a patent lie in its very title."

To a bill likely to disappoint the expectations of those who had been led to suppose that it was sufficient and beneficial instead of a delusion, Governor Cleveland could not give his approval. Always unwilling to assume the appearance of doing something when in fact the act was worthless; unwilling when asked for bread to give a stone, he was compelled to let this bill die, sincerely declaring "I cannot think this bill is in the interest of the workingmen."

All other bills distinctly relating to labor or urged by labor interests were defeated by a Republican Legislature and not permitted to reach the Governor.

#### Making Laboring Men Preferred Creditors.

As an evidence of the care Governor Cleveland manifests for laboring men, the prompt signing of a bill which creates laboring men preferred creditors for wages in the case of the assignment of an employer. This bill, most important to laboring men, attracted little attention even from laboring men at the time of its enactment, but the quick eye and mind of the Governor appreciated its value and he made it a law. The law is as follows:

#### CHAP. 328.

"AN ACT to amend chapter four hundred and sixty-six of the laws of eighteen hundred and seventy-seven, entitled 'An act in relation to assignments of the estates of debtors for the benefit of creditors.'

Passed May 21, 1884, three-fifths being present.

"The People of the State of New York, represented in Senate and Assembly, do enact as follows:

"SECTION 1. Section twenty-nine of chapter four hundred and sixty-six of the laws of eighteen hundred and seventy-seven, entitled 'An act in relation to assignments of the estates of debtors for the benefit of creditors,' is hereby amended to read as follows:

"§ 29. In all assignments, made in pursuance of this act, the wages or salaries actually owing to the employees of the assignor or assignors at the time of the execution of the assignment, shall be preferred before any other debt; and should the assets of the assignor or assignors not be sufficient to pay in full all the claims preferred, pursuant to this section, they shall be applied to the payment of the same pro rata to the amount of each such claim.

"§ 2. This act shall take effect immediately.

What the President of one of the Principal Labor Organizations of the State of New York says.

TROY, July 21, 1884.

*To the Argus:*

I have been informed that a statement has been published to the effect that while in Chicago at the recent National Democratic Convention I stated that I could pledge the vote of the workingmen of this and other localities to Governor Cleveland. I wish to state that no such expression ever fell from my lips, and that no interview with me was ever published in which I made such a statement. On the contrary, I stated that *no man* could pledge the vote of the labor element of New York State, or of any portion of it, *to any candidate*, nor did any man have sufficient influence to cause it to be cast against any candidate. I stated that if any man pretended to pledge the workingmen's vote to any candidate he did so without any authority. I stated that I had no authority to speak for them on political questions, nor had anyone else. I was asked what my *personal* preferences were, and I said that I preferred Governor Cleveland. When asked my reasons I expressed them as follows: The Workingmen's Assembly of this State has, since I have been at the head of that organization, succeeded in passing through the Legislature the following bills: Abolishing the manufacture of hats in the State prisons; creating a bureau of labor statistics; the tenement house cigar bill (*twice*); the abolition of convict contract labor; the lien law, and the conductors and drivers' bill—seven in all. Of these measures Governor Cleveland signed *five* and vetoed two, viz: The lien law and the conductors' and drivers' bill. As to the lien law, it is generally acknowledged now that he did us a kindness in vetoing that bill, because, through errors of our own in drafting the measure, the bill as passed would have been a positive injury to us. The conductors' and drivers' bill, I think, he should have signed. So the record shows that we have sent to Governor Cleveland six perfect bills and he has signed *five* and vetoed *one*. On this record I am not prepared to condemn him. If the Governor does us five favors and commits but one error, I feel that he is entitled to my support. In addition to the labor measures prepared by our organization Governor Cleveland has signed a bill introduced by Senator Fassett, which makes workingmen preferred creditors in case of assignment or failure of the firm or corporation by which they are employed. Recognizing the justice of the measure and its great benefits to the working class, I asked Governor Cleveland to sign it and he did so without hesitation. So, to sum the matter up, he has approved of six bills favorable to our interests and disapproved of one. By his record on legitimate labor measures I judge him, and on the strength of that record I shall support him. I do not wish it understood that I am voicing the sentiments or preferences of anyone but myself. I have no authority to speak for the workingmen on political subjects.

Yours truly,

WALTER N. THAYER,

President of the New York State Trades' Assembly.

Two facts must be strikingly apparent from the foregoing :

First, that though labor has been organized for many years, it has been in agitations unsuccessful until a recent period

Second, that within the two years last passed, it has accomplished nearly all or quite all its demands.

How comes this about that suddenly so much success attends labor agitations ? The answers are equally clear. In 1882 the Democratic party accepted the contentions of labor as its own, and upon the platform embracing these contentions Grover Cleveland, the honest man, was elected Governor. Proposing to faithfully carry out the pledges and promises he had made in the acceptance of the platform, he insisted upon all others in authority doing the same, and the result is the wonderful progress made in matters of labor—a result due to the stand taken by Governor Cleveland.

## Prisons and Pardons.

The Governor and his Exercise of the Power Vested in him.

One of the last acts of Governor Cornell was the appointment of a superintendent of prisons, so that during the administration of Governor Cleveland the prisons of the State have been under the management of an officer not appointed by the Governor.

That Governor Cleveland is much interested in the prison system of the State is shown in his public acts and papers. The penal system is by no means the best that could be designed, and the responsibility for its conduct is divided. The correctional institutions of the State are the State prisons—Auburn, Sing Sing, and Clinton; the penitentiaries—of New York, Kings, Erie, Albany, Monroe, and Onondaga counties; houses of refuge and reformatories—the New York House of Refuge, Western House of Refuge and the State Reformatory at Elmira, and the county jails.

Of these the State prisons are under direct State control, the penitentiaries are under county management; the reformatories are under the direction of managers appointed by the Governor and confirmed by the Senate; and the common jails are under county control. Without attempting to discuss the wisdom of the system of divided authority, it is sufficient to say here that in that which the State has control, the Governor began very early to manifest a deep concern. Hardly a month had elapsed after assuming the duties of Governor before he addressed the following letter to Superintendent Baker :

### Treatment of Convicts.

STATE OF NEW YORK, EXECUTIVE CHAMBER, )  
ALBANY, February 2, 1882. }

Hon. ISAAC V. BAKER, JR., *Superintendent of State Prisons:*

DEAR SIR—I deem it proper to call your attention to the provisions of section 108 of chapter 460 of the Laws of 1847, which prohibits the infliction of blows upon any convict in the State prisons by the keepers thereof, except in self-defense or to suppress a revolt or insurrection; and also to chapter 869 of the Laws of 1869, abolishing the punishments commonly known as the shower-bath, crucifix or yoke and buck. I suppose these latter forms of punishment were devised to take the place of the blows prohibited by the law of 1847.

Both of the statutes above referred to seem to be still in force, and in my opinion, they are in no manner affected by the Constitutional Amendment giving the Superintendent "the superintendence, management and control of the prisons," nor by sections 1 and 5 of chapter 107 of the Laws of 1877, providing that the



Superintendent shall have the management and control of the prisons and of the convicts therein, and of all matters relating to the government, discipline, police, contracts and fiscal concerns thereof, and that he shall make such rules and regulations for the government and punishment of the convicts as he may deem proper.

I especially desire to avoid any injurious interference with the maintenance by the prison authorities of efficient discipline; but I insist that, in the treatment of prisoners convicted of crime, the existing statutes of the State on that subject should be observed.

Yours respectfully,

GROVER CLEVELAND.

### The Pardoning Power.

The great and merciful power of pardon is vested in the Governor. There was a time in the history of this State when, probably, this power was exercised too freely and without due discretion. Perhaps that is the reason why, when a change in this matter took place, the other extreme was reached, and when quite as much fault could be found with the one as the other. There are times when the withholding of clemency is as great an injustice as its lavish exercise.

### Commutations.

So far as it lay in his power, Governor Cleveland began reforms in the matter of the treatment of prisoners. Under the statutes, a prisoner for good conduct is allowed a remission or commutation of two months for each of the first two years, four months for the third and fourth, and five months for each subsequent year. The question of the aggregating of sentences in the allowance for good conduct was settled in the affirmative early in the administration of Governor Cleveland, and properly, for few will be willing to deny that he who receives four sentences of five years each is entitled to as much commutation for good conduct as he who receives a single sentence of twenty years.

### A Reform.

The Governor also decided that all prisoners confined in the prisons or penitentiaries having an aggregate sentence of one year or over, could earn commutation whether under conviction of felony or other crimes or misdemeanors. And who will deny that this decision was not the correct one, when it is considered that the sole object of the laws authorizing these commutations is to encourage good conduct and promote discipline in prisons? Moreover, it was a demonstration, and an early one, of the humane instincts of the Governor.

### The Governor on Reformatories.

Quite in the line of this policy is his comments upon the reformatories in his last message to the Legislature. He says:

"Of the number above mentioned, 507 (the 15,000 men, women and children confined in the prisons, houses of refuge, penitentiaries, reformatories, jails and protectories) were confined in the State Reformatory at Elmira, upon conviction of felonies. Such convicts are required to be between the ages of sixteen and thirty years. No term of imprisonment is fixed by the sentence, but they cannot be detained longer than the maximum time for which they might have been sent to prison. Within this limit they may be imprisoned until discharged by the rules of the institution.

"The board of managers may transfer 'temporarily' to either of the State prisons any inmate, who, subsequent to his committal to the reformatory, shall be shown to have been at the time of his conviction, more than thirty years of age, or to have been previously convicted of crime, or any apparently incorrigible prisoner whose presence in the reformatory appears to be seriously detrimental to the well-being of the institution. If after such transfer he is not recalled by the managers, he must remain in State prison during the balance of the longest sen-

tence that might have originally been imposed upon him. The law allowing a reduction of the time of imprisonment for good conduct is not applicable to his case.

"On application to the prison at Auburn, I learn that since the reformatory was established, and up to the 6th day of December, 1883, seventy-five persons who had originally been sent to the reformatory were transferred under the conditions above stated to the Auburn State prison. Of these fifteen have been allowed to serve in prison the longest sentence that could have been pronounced for their crime; one was discharged by order of the managers of the reformatory; one was transferred to Clinton prison; four were transferred to the Asylum for Insane Criminals (one of whom was subsequently returned to prison); two died; one was recalled to the reformatory, and fifty-two still remained in the prison. How many of these were sent to the State prison by the managers because, in their view, they were 'apparently incorrigible prisoners, whose presence in the reformatory appears to be seriously detrimental to the well being of the institution,' is not reported, but it is safe to say that a large proportion were consigned to prison on that allegation. The prisoner thus transferred, who was sentenced to the reformatory, in mercy, to avoid the stigma of a sentence to prison, and for purposes of reform, because he had maintained theretofore a good reputation and standing in society, may meet at the door of the prison his accomplice in the crime committed, who, having made no pretense of character or respectability, has served the sentence to prison pronounced upon him by the court. The worst and most hardened criminals, if originally sent to prison, earn, by good conduct, a considerable reduction of imprisonment, but the convict from the reformatory has no such thing to hope or strive for. In my opinion there should be no power vested in the Board of Managers of this institution to send persons committed to their care to the State prisons; and if convicts are sentenced to the reformatory, the courts should exercise the greatest care to be satisfied that they are promising subjects for reformatory efforts, and fix a term beyond which they cannot be confined. A release before the time thus fixed might well be offered as a reward for improvement, reform or good conduct.

"The law in relation to the reduction for good behavior of the terms of convicts in State prison should be made more plain and definite, and the power of the prison authorities to refuse such reduction be more exactly defined."

A few months subsequently to this message the Governor decided, upon a careful examination of the statute on the subject of commutation that he had the right to extend commutation to the reformatory transfers. He immediately ordered the discharge of six who, under his view of the statute, were entitled to be so discharged, and filed the following reasons for his action:

These convicts having been originally sentenced to the New York State Reformatory, no limit was fixed by the court to the term of their imprisonment. But by the provisions of the statute relating to this institution, such convicts may be discharged by the managers, under certain conditions; and, in case the discretion thus vested in the managers is not exercised, convicts committed to the reformatory may be imprisoned therein for the longest term provided by law as a punishment for the offense of which they were convicted.

Of course, the intention of the law was that persons convicted of crime, whose youth, or freedom from criminal habits and associations, gave promise of reformation, should not be classed and kept with old and hardened criminals, but should be committed to the reformatory, where they might receive instruction and encouragement, and that their discharge within the limit which the law had fixed for their crime should be dependent upon the progress they made toward reformation.

But it is also provided that the managers of this institution may, in certain cases, transfer prisoners to a State prison, where, unless they are recalled to the reformatory, they are kept the balance of the longest term for which they might have been sentenced to prison.

This I consider entirely wrong. If a convict is to be confined in a State prison, the criminal courts should fix his term; and the discretion which may be, in such cases, exercised by the courts, should not be abridged nor vested in the managers of the reformatory.

And, to add to this injustice and this anomalous method of administering the criminal law, it has thus far been held, I believe, that the provisions of the statute

relating to reduction of a prisoner's term for good conduct does not apply to such convicts as are transferred from the reformatory to the prisons.

The result is that an old offender, of previous bad character, is frequently sent to prison by the court, for a term much less than the longest time allowed by law, and, through good conduct in prison, can earn considerable commutation of his sentence; while a young man, convicted of his first offense, with good character and respectable surroundings, sent by the court to the reformatory, for imprisonment and reform, may be doomed by the managers of this institution to finish the longest term which his offense permits in the State prison, with no commutation for the most exemplary conduct.

The least that should be done for convicts transferred under the present law from the reformatory to prison is to allow them for good conduct in prison the same commutation on the remainder of the term for which they might be confined, dating from the day of their transfer, that they would be entitled to if that was the beginning of an original sentence to prison. I think the statute in relation to commutations for good conduct in prison permits this. If it does not, it ought to, and I am glad that I have the power, in any event, to rectify such wrongs, by the interposition of a special commutation.

The conduct of the six convicts above mentioned so transferred from the New York State reformatory to Auburn prison is reported by the warden of the latter institution to be good.

Making the deductions from their terms, which I believe them to have earned, all are now entitled to be discharged except two, whose terms, under the rule adopted, will respectively expire on the sixth and eighth days of the present month.

I cannot now do what I regard full justice to all these convicts, but I have determined to approximate it as nearly as possible by commencing their terms to the eighth day of March, 1884, which is probably as early as the necessary documents can be perfected and forwarded.

#### As to Pardons.

With respect to pardons, he has exercised a wise discretion, and he has been the first Governor since the time of Hoffman to set forth in writing his reasons to accompany the pardon. There is reason to believe that this practice, so entirely right, has given birth to the idea that he exercised this power in a most haphazard manner. To state exactly the fact, and to show exactly how his record in this matter stands in comparison with his predecessors, the following table is presented:

A Comparative Statement.

	ACTS OF CLEMENCY	APPLICATIONS.	PER CENT.
Governor Fenton, 1855.....	153	278	55
Governor Fenton, 1856.....	174	452	42
Governor Fenton, 1857.....	142	442	32
Governor Fenton, 1858.....	153	400	38
Governor Hoffman, 1859.....	118	293	36
Governor Hoffman, 1860.....	100	400	30
Governor Hoffman, 1861.....	111	344	34
Governor Hoffman, 1862.....	157	600	26
Governor Hoffman, 1863.....	55	242	22
Governor Dix, 1864.....	95	422	26
Governor Dix, 1865.....	100	350	28
Governor Tilden, 1866.....	160	456	35
Governor Robinson, 1867.....	111	350	29
Governor Robinson, 1868.....	174	402	43
Governor Robinson, 1869.....	211	492	42
Governor Cornell, 1870.....	56	226	24
Governor Cornell, 1871.....	19	180	10.34
Governor Cornell, 1872.....	20	126	15
Governor Cleveland, 1873.....	57	292	19
Governor Cleveland, 1874, to July 16.....	34	237	14.33

The above table shows that up to the date of writing Governor Cleveland's percentage of pardons upon the applications made is less than that of any of his predecessors.



ecessors, and the actual number less than his six predecessors, except the one who immediately preceded him.

### Reasons Given.

In each case of a pardon granted, his reasons, as was remarked above, set forth in writing, have accompanied them. These have never been questioned as not being sufficient and good. Not a few have been granted for the reason that the convict had but a few days to live; others that a re-examination of the case has shown that ends of justice have been served in the term of imprisonment already undergone; others upon the ground that being improperly defended, the prisoner had been convicted of a degree of crime of which he was not guilty, and had already served the term, which is the penalty of the degrees of crime of which he was really guilty. Justice, hand in hand with humanity, have been the advisers of the Governor in the exercise of the pardoning power.

The Governor's record upon convict contract labor, and upon child contract labor, having already been presented as part of his record upon the labor question, will not be repeated here.

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### Charities.

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Governor Cleveland has had frequent occasion to consider and discuss the important subject of charities, and has invariably exhibited a keen sensibility to the sufferings of the unfortunate, and a hearty desire to relieve their distress. In his annual message for 1884 he thus reviewed the operations of the public charities of the State of New York:

"Some attention given to the system of supervision of the charitable and reformatory institutions of the State convinces me that it might be much improved.

"The State Board of Charities is vested with the power of visitation and examination, and is required to report the condition of the institutions visited, which include all the charitable and correctional institutions in the State.

"The State Commissioner in Lunacy is authorized and directed to examine into and report annually to the Legislature the condition of the insane and idiotic in the State, and the management and conduct of the asylums and institutions for their care and treatment.

"The boards of trustees or managers of all the charitable and correctional institutions have generally the control of their business and internal management.

"The superintendents hold their positions under the boards of trustees, and are supposed to devote their attention to the care of the inmates of the institution.

"The Board of Charities is composed of most estimable men and women, who receive no compensation for their services, but devote all the time to the performance of their duties that can reasonably be expected, and their labors are undeniably valuable. Their powers are advisory in their nature, and their recommendations are often unheeded.

"The powers and duties of the State Commissioner in Lunacy, so far as the institutions for the insane and idiotic are concerned, are nearly identical with those of the Board of Charities; and unfortunate questions have arisen from this condition.

"The visitations of the Board of Charities, as well as the Commissioner in Lunacy, are necessarily infrequent, and the information they gain of the actual management of the institutions quite general and imperfect.

"The local board of trustees gratuitously perform the duties they have assumed, and, while not unfaithful, can hardly be expected to devote time very constantly to the details of management. They very naturally gain much of their information from the statements of the superintendent in charge.

"A recent investigation by a committee of the managers of the Western House of Refuge, where delinquent boys and girls are sent for reform and instruction,



satisfied the committee that for months the by-laws and regulations of the institution relating to the punishment of inmates had been violated; that the boys there confined had been beaten, abused and assaulted in the most outrageous manner by the attendants and subordinates in charge, and the funds of the institution had not been sufficiently protected.

"It is assumed that neither the Board of Charities nor the local board of trustees had any knowledge of these things until they were exposed by the investigation; and the superintendent testifies that he was entirely ignorant of the instances of cruelty established by the testimony.

"A system which permits this condition of things is evidently defective.

"The time will never come when the humane sentiment of the people will approve the cruel treatment or the neglect of the unfortunate, or even criminal, inmates of these institutions; and their usefulness depends upon giving no occasion for the growth of a suspicious and unreasoning belief that their benevolent purposes are lost or perverted. That system of management is, therefore, manifestly best which most nearly satisfies the public that it is conducted with due regard to justice and forbearance."

While he was Mayor of Buffalo his attention was drawn to the perils of children wandering through the streets by night, and he addressed the Common Council as follows:

### Perils of Children.

BUFFALO, June 5, 1882.

"My attention has been called, by a committee from the Society for the Prevention of Cruelty to Children, to the number of small boys and girls found upon our streets at late hours in the night.

"I have reason to believe that many of these children are allowed, and some are obliged, by their parents, to thus remain in the streets for the ostensible purpose of earning money by selling newspapers or blacking boots. In truth, however, after a certain hour in the evening, the most, if not all the money they receive, they obtain by begging or by false pretenses. In the meantime, they are subjected to worst influences, leading directly to profligacy, vagrancy and crime.

"The importance of caring for children who are uncared for by their natural guardians, or who are unmindful of parental restraint, must be apparent to all. In the future, for good or evil, their influence will be felt in the community; and certainly the attempt to prevent their swelling the criminal class is worth an effort.

"It seems to me that no pretext should be permitted to excuse allowing young girls to be on the streets at improper hours, since the result must necessarily be their destruction."

"The disposition of the boy (child though he be) to aid in his own support or that of others, in an honest, decent way, ought not to be discouraged. But this does not call for his being in the street at late hours, to his infinite damage morally, mentally, and physically, and to the danger of society.

"I respectfully suggest that this subject be referred to the Committee on Ordinances and the Attorney, and that a committee from the Society for the Prevention of Cruelty to Children be invited to co-operate with them in an effort to frame an ordinance which will remedy the evil herein considered.

"GROVER CLEVELAND, Mayor."

### The Catholic Protectory.

In the year 1883 the Governor found it necessary to withhold his approval from an appropriation for the Catholic Protectory, upon the ground that the expense of maintaining destitute children there was properly chargeable upon the treasury of the City of New York. This Protectory is a local institution open to children committed by the courts in New York City only. All knowing these facts agree that there is a reasonable doubt as to the propriety of other cities and counties, which have no benefit, being taxed to contribute to its support.

Some criticism upon this veto was expressed by those ignorant of the purely public considerations which influenced the Governor, who, in his appointments and personal friendships has shown his absolute freedom from all sectarian preju-

dice. To such criticism a ready answer has been given by gentlemen who are officers of the Protectory, in the following letter :

" MR. DANIEL MANNING, *Chairman New York Delegation, Chicago, Ill :*

" We never doubted the sincerity of the motives which induced Governor Cleveland to withhold his signature to the appropriation to the Protectory. We thought then, and think now, that he was not actuated by any feeling of bigotry, or of hostility to Catholics or to Catholic institutions. On the contrary, Governor Cleveland is liberal in the extreme, and we are of the firm belief that he was led to withholding his approval of the appropriation solely by a sense of public duty as he viewed it.

" HENRY L. HOGUET,

President of the Protectory.

" JOHN E. DEVELIN,

Legal Adviser to the Protectory."

## Grover Cleveland and the Catholics.

[*Fort Wayne, Ind., Sentinel.*]

*The Sentinel* takes pleasure in laying before its readers a personal letter from the Hon. Thos. V. Welch, member of the Assembly of New York, in reply to the inquiries made by Mr. Charles A. Walter, a well known merchant of Huntington, and president of the Young Men's Cleveland and Hendricks' club at that place. Mr. Walter is an ardent Catholic, and wrote Mr. Welch in order that he might know the truth. We ask a careful reading of it from all Catholics and Protestants :

NIAGARA FALLS, July 16, 1884.

MR. CHARLES A. WALTER, Huntington, Ind :

DEAR SIR—In reply to the inquiries made in your letter of July 14, I wish to state :

1st. Grover Cleveland is not a bigot in any sense of the word. He is a fair minded man, and we, who are his neighbors, know of no instance in which he has antagonized the Catholic church.

2d. Since Grover Cleveland has been Governor I have been a member of the Legislature. I know of no official act of his that would indicate hatred on his part toward the Catholic church. On the contrary, I could mention many instances of friendly action on his part.

3d. The letter published in the *Buffalo Courier* of July 1, over my signature, is genuine, and I here reiterate every statement made therein.

4th. Governor Cleveland did *not* veto the " freedom of worship " bill. The bill did not pass the Legislature, and never came before Governor Cleveland for his action.

5th. Governor Cleveland did veto an appropriation for a Catholic protectory in this State, for constitutional reasons. I voted for the appropriation referred to, but upon reading Governor Cleveland's veto message, I am convinced that he was justified in his action. The constitution of our State allows such appropriations only for State institutions. It is admitted that the institution in question is not a State institution.

Governor Cleveland is a hard working, conscientious public officer, thoroughly independent, thoroughly Democratic and thoroughly American. As such he is justly entitled to the support of every Democrat, Catholic and non-Catholic alike.

As an earnest advocate of Grover Cleveland, permit me to add that I was a delegate to the first convention of the Irish National Land League, at Buffalo, being at that time president of the branch at this place. I am a member of St. Mary's Catholic Church, and of Branch No. 1 of the Catholic Mutual Benefit Association, and I am at present the president of the Niagara Falls Catholic Total Abstinence and Literary Society.

Very sincerely yours,

THOMAS V. WELCH,

Member of Assembly, Niagara County, N. Y., 1883 and 1884.

Letter of Mr. Welch, above referred to, published July 1:

*To the Editor of the Buffalo Courier :*

I notice with regret that some persons in the Democratic party of the State of New York who oppose the nomination of Governor Cleveland for President, are endeavoring to create a false impression by grossly misrepresenting his position toward the Catholic Church. As a Catholic and a member of the Legislature during the last two years I cannot recall any act or any omission of Governor Cleveland that would in the slightest degree justify any such impression. On the contrary, Governor Cleveland always treated Catholics and Catholic interests precisely as he did the members of other religious bodies and their religious interests, fairly and justly, according to their merit ; and I believe that to be as much as any sensible Catholic expects or desires. Having served upon the Committee of Ways and Means of the Assembly during the sessions of 1883 and 1884, and in the discharge of official duties having had frequent occasion to know that no man is more free from bigotry or more broad and comprehensive in his religious views than Governor Cleveland, I, as a sincere and practical Catholic, under the existing circumstances deem it my duty to co-religionists to make a public statement of my absolute knowledge of that fact.

THOMAS V. WELCH,  
Member of Assembly, Niagara County.

NIAGARA FALLS, June 26, 1884.

To this refutation of suggested bias on the part of Governor Cleveland against any religious faith, may be here added a denial of the statement that he vetoed a bill to secure freedom of worship to inmates of charitable institutions. No such bill ever came before him, the untrue report to the contrary doubtless arising from the fact that his Republican predecessor, Governor Cornell, did veto such a bill on June 11, 1881.

#### Liberality of Views.

On the contrary, the liberal disposition of Governor Cleveland was shown in his approval, in 1881, for the first time by any Governor, of an item of \$1,500 in the supply bill for the special employment and payment of Catholic clergy ministering to convicts in the prisons under the exclusive control of the State.

Indeed, in all cases of official action concerning charitable or religious bodies, Governor Cleveland has submitted himself to the principle which has everywhere controlled him as a public officer, and has asked : "*What are my powers as the servant and agent of the whole people ?*" And as a public officer, he has felt unable to assent to the disposition of public moneys for any purpose not strictly public. As a private citizen, giving from his own limited means, no just or worthy charity, whatever its religious affiliation, has found him indifferent. Himself a poor boy and not a rich man, he has known and appreciates the needs of the poor. A further refutation of the charge referred to is found in Governor Cleveland's appointments of John D. Kernan, Railroad Commissioner; John A. McCall, Superintendent of the Insurance Department; James Shanahan, Superintendent of Public Works, to three leading positions in the State Government, and other prominent Irish-Americans to offices of honor.

#### Public Moneys to be Used only for Public Purposes.

Governor Cleveland has so rigorously, so uniformly and so openly declared the limitation upon the powers of public officers administering public funds, as to become a standing discouragement to assailants of the public treasury for private purposes. His supporters will not be found among those who seek merely an appropriation. They will undoubtedly be repelled by the unbroken series of his public utterance.



In accepting the nomination as Mayor of Buffalo, he said :

"I believe much can be done to relieve our citizens from their present load of taxation, and that a more rigid scrutiny of all public expenditures will result in a great saving to the community. I also believe that some extravagances in our city government may be corrected without injury to the public service. There is, or there should be, no reason why the affairs of our city should not be managed with the same care and the same economy as private interests. And when we consider that public officials are the trustees of the people and hold their places and exercise their powers for the benefit of the people, there should be no higher inducement to a faithful and honest discharge of public duty."

In his first message as Mayor of Buffalo, he said :

"We hold the money of the people in our hands to be used for their purposes and to further their interests as members of the municipality ; and it is quite apparent that, when any part of the funds which the taxpayers have thus intrusted us, are diverted to other purposes, or when by design or neglect, we allow a greater sum to be applied to any municipal purpose than is necessary, we have to that extent violated our duty. There surely is no difference in his duties and obligations, whether a person is intrusted with the money of one man or many. And yet it sometimes appears as though the office-holder assumes that a different rule of fidelity prevails between him and the taxpayer than that which should regulate his conduct when, as an individual, he holds the money of his neighbor.

"It seems to me that a successful and faithful administration of the government of our city may be accomplished by constantly bearing in mind that we are the trustees and agents of our fellow-citizens, holding their funds in sacred trust, to be expended for their benefit ; that we should at all times be prepared to render an honest account of them touching the manner of their expenditure ; and that the affairs of the city should be conducted, as far as possible, upon the same principles as a good business man manages his private concerns."

#### Exercise of the Public Trust.

In the veto of a claim of certain officers for payment for extra services, while the charter forbade extra compensation, he said :

"By the terms of the resolution itself it appears that the extra services performed were fairly embraced in the official duties of the persons performing them. To examine the books and to restore order to the records of the office, was, as it seems to me, peculiarly the business of the claimants.

"If the work could not be done in the regular discharge of their duties, additional clerks might have been employed ; but they having elected to do the work themselves, they must now be regarded as standing in the attitude of claimants for extra compensation for the performance of duties which really pertain to the business of their offices or positions."

"However meritorious these claims may be, their allowance by the city seems to be prohibited by law. I cannot, therefore, assent to their payment."

His willingness to contribute from his own pocket to objects meritorious, though not public, rather than to exhibit that easy charity which gives away public moneys, is admirably exhibited in the following message sent by him as Mayor of Buffalo :

BUFFALO, May 8, 1882.

"At the last session of your honorable body a resolution was adopted directing the City Clerk to draw a warrant for five hundred dollars in favor of the secretary of the Firemen's Benevolent Association.

"This action is not only clearly unauthorized, but it is distinctly prohibited by the following clause of the State Constitution :

"No county, city, town or village shall hereafter give any money or property or loan its money or credit to or in aid of any individual, association or corporation, or become directly or indirectly the owner of stock in or bonds of any association or corporation ; nor shall any such county, city, town or village be allowed to incur any indebtedness except for county, city, town or village purpose."



"At the same meeting of your honorable body the following resolution was passed:

"That the City Clerk be and he is hereby directed to draw a warrant on the 4th of July fund for five hundred dollars, to the order of J. S. Edwards, chairman of the Decoration Day Committee of the Grand Army of the Republic, for the purpose of defraying the expenses attending a proper observance of Decoration Day."

"I have taxed my ingenuity to discover a way to consistently approve of this resolution, but have been unable to do so.

"It seems to me that it is not only obnoxious to the provisions of the constitution above quoted, but it also violates that section of the charter of the city which makes it a misdemeanor to appropriate money raised for one purpose to any other object. Under this section I think money raised 'for the celebration of the 4th of July and the reception of distinguished persons' cannot be devoted to the observance of Decoration Day.

"I DEEM THE OBJECT OF THIS APPROPRIATION A MOST WORTHY ONE. THE EFFORTS OF OUR VETERAN SOLDIERS TO KEEP ALIVE THE MEMORY OF THEIR FALLEN COMRADES CERTAINLY DESERVES THE AID AND ENCOURAGEMENT OF THEIR FELLOW-CITIZENS. WE SHOULD ALL, I THINK, FEEL IT A DUTY AND A PRIVILEGE TO CONTRIBUTE TO THE FUNDS NECESSARY TO CARRY OUT SUCH A PURPOSE. AND I SHOULD BE MUCH DISAPPOINTED IF AN APPEAL TO OUR CITIZENS FOR VOLUNTARY SUBSCRIPTIONS FOR THIS PATRIOTIC OBJECT SHOULD BE IN VAIN.

"BUT THE MONEY SO CONTRIBUTED SHOULD BE A FREE GIFT OF THE CITIZENS AND TAXPAYERS, AND SHOULD NOT BE EXTORTED FROM THEM BY TAXATION. THIS IS SO, BECAUSE THE PURPOSE FOR WHICH THIS MONEY IS ASKED DOES NOT INVOLVE THEIR PROTECTION OR INTEREST AS MEMBERS OF THE COMMUNITY, AND IT MAY OR MAY NOT BE APPROVED BY THEM.

"The people are forced to pay taxes into the city treasury only upon the theory that such money shall be expended for public purposes, or purposes in which they all have a direct and practical interest.

"The logic of this position leads directly to the conclusion that, if the people are forced to pay their money into the public fund and it is spent by their servants and agents for purposes in which the people as tax-payers have no interest, the exaction of such taxes from them is oppressive and unjust.

"I cannot rid myself of the idea that this city government, in relation to the tax-payers, is a business establishment, and that it is put in our hands to be conducted on business principles.

"This theory does not admit of our donating the public funds in the manner contemplated by the action of your honorable body.

"I deem it my duty, therefore, to return both of the resolutions herein referred to, without my approval."

In support of his message Mayor Cleveland headed a subscription for the purpose with a liberal sum, and, with a hearty co-operation of citizens approving his action, the desired fund was raised promptly without resort to public moneys.

This veto and contribution by Mayor Cleveland elicited universal approval, the leading Republican journal (*The Buffalo Express*), saying:

A whole volume of sound sense and just principles of municipal government will be found condensed in a brief veto sent to the council yesterday by Mayor Cleveland. It is refreshing to read the message. Appropriations of the public funds must not be made except in accordance with law. Safeguards provided by the Constitution and the charter must be respected. The money raised by taxation must not be diverted from its legitimate objects. However worthy the sentiment recognized in any misappropriation, justice, not generosity must prevail. When the council wrongfully votes away the people's money there is no credit in the act, because the money, having been extorted from the people, is not a free gift from that body. The city government is a business establishment, and must be conducted on business principles. All these golden rules are laid down in disapproving a vote of \$500 for Decoration Day—a small sum for a worthy object; but, as the Mayor shows, it is not for the amount of the appropriation nor the merit of it, but the principle involved, which must be considered. Private bounty ought to be equal to such a call; and then to prove that he thinks so, Mr. Cleveland

privately contributes one-tenth of the whole sum needed, thus supplementing excellent principle by liberal example.

### A Famous Utterance.

The most famous of his utterances upon this subject, and that in knowledge of which a few months later he was nominated and elected to be Governor of New York, was his celebrated check upon an extravagant contract for cleaning the streets of Buffalo, which was as follows :

"BUFFALO, June 26, 1882.

"I return without my approval the resolution of your honorable body, passed at its last meeting, awarding the contracts for cleaning the paved streets and alleys of the city for the ensuing five years to — at his bid of four hundred and twenty-two thousand and five hundred dollars.

"The bid thus accepted by your honorable body is more than one hundred thousand dollars higher than that of another perfectly responsible party for the same work ; and a worse and more suspicious feature in this transaction is that the bid now accepted is fifty thousand dollars more than that made by — himself within a very few weeks, openly and publicly to your honorable body, for performing precisely the same services. This latter circumstance is to my mind the manifestation on the part of the contractor of a reliance upon the forbearance and generosity of your honorable body, which would be more creditable if it were less expensive to the tax-payers.

"I am not aware that any excuse is offered for the acceptance of this proposal, thus increased, except the very flimsy one that the lower bidders cannot afford to do the work for the sums they name.

"This extreme tenderness and consideration for those who desire to contract with the city, and this touching and paternal solicitude lest they should be improvidently led into a bad bargain is, I am sure, an exception to general business rules, and seems to have no place in this selfish, sordid world, except as found in the administration of municipal affairs.

"The charter of your city requires that the Mayor, when he disapproves any resolution of your honorable body, shall return the same with his objections.

"This is a time for plain speech, and my objection to the action of your honorable body now under consideration shall be plainly stated. I withhold my assent from the same, because I regard it as the culmination of a most barefaced, impudent and shameless scheme to betray the interests of the people and to worse than squander the public money.

"I will not be misunderstood in this matter. There are those whose votes were given for this resolution whom I cannot and will not suspect of a willful neglect of the interests they are sworn to protect ; but it has been fully demonstrated that there are influences, both in and about your honorable body, which it behooves every honest man to watch and avoid with the greatest care.

"When cool judgment rules the hour, the people will, I hope and believe, have no reason to complain of the action of your honorable body. But clumsy appeals to prejudice or passion, insinuations, with a kind of low, cheap cunning, as to the motives and purposes of others, and the mock heroism of brazen effrontery which openly declares that a wholesome public sentiment is to be set at naught, sometimes deceives and leads honest men to aid in the consummation of schemes which, if exposed, they would look upon with abhorrence.

"If the scandal in connection with the street-cleaning contract, which has so aroused our citizens, shall cause them to select and watch with more care those to whom they intrust their interests, and if it serves to make all of us who are charged with official duties more careful in their performance, it will not be an unmitigated evil.

"We are fast gaining positions in the grades of public stewardship. There is no middle ground. Those who are not for the people either in or out of your honorable body are against them, and should be treated accordingly.

"GROVER CLEVELAND,

"Mayor."

In view of such expressions and actions as these, the leading Republican newspaper of Buffalo, now supporting the Republican ticket, was led to say upon the

day succeeding Governor Cleveland's resignation as Mayor, that "yesterday Buffalo lost the best Mayor she ever had."

Elected upon this record to the high office of Governor, public expectation demanded of him as Governor a continuance of his course as Mayor. This sentiment, everywhere felt, was enthusiastically expressed by the Hon. Roswell P. Flower, upon the night of the election of 1882, when, in public speech, he said :

"This victory is the voice of the people speaking in thunder tones. What does it mean? \* \* \* It says to Grover Cleveland: 'We will inaugurate you; we expect you to faithfully carry out the platform of your party. If you give us the strict accountability of officials; pure civil service; purity of elections; if you use your office as you would a private trust, and the moneys as trust funds; if you faithfully perform your duty, we, the people, may put you in the presidential chair.'"

In administration of this high office, Governor Cleveland has come fully up to the line marked out for him, and has fitly continued the course commenced at Buffalo.

### Outlining his Policy as Governor.

His first message to the Legislature concluded in these words:

"Let us enter upon the discharge of our duties, fully appreciating our relations to the people, and determined to serve them faithfully and well. This involves a jealous watch of the public funds, and a refusal to sanction their appropriation except for public needs. To this end all unnecessary offices should be abolished, and all employment of doubtful benefit discontinued. If to this we add the enactment of such wise and well considered laws as will meet the varied wants of our fellow-citizens and increase their prosperity, we shall merit and receive the approval of those whose representatives we are, and with the consciousness of duty well performed, shall leave our impress for good on the legislation of the State."

Within a few weeks after this he was called upon to consider again almost the same question as that treated in his veto message of the Decoration Day appropriation in Buffalo in 1882. That message, which had been widely published, preceded his election as Governor by an unparalleled majority. His established position, thus accepted and approved by the people, could not be abandoned simply because he had entered a new sphere of action. Chosen because esteemed capable to strictly administer the laws, he could not, even upon the inspiration of a patriotic sentiment, desert the principle of rigid application of public funds to governmental purposes, and he therefore hewed straight to the line of strict accountability already marked out by him and for him, and sent to the Assembly the following communication:

"STATE OF NEW YORK, EXECUTIVE CHAMBER, )  
"ALBANY, February 12, 1883. }

"To the Assembly:

"Assembly bill No. 88, entitled 'An act authorizing the Board of Supervisors of Chautauque county to appropriate money for the purchase of lands upon which to erect a soldiers' and sailors' monument,' is herewith returned without approval.

"It is not an agreeable duty to refuse to give sanction to the appropriation of money for such a worthy and patriotic object; but I cannot forget that the money proposed to be appropriated is public money to be raised by taxation, and that all that justifies its exaction from the people is the necessity of its use for purposes connected with the safety and substantial welfare of the tax-payers.

"The application of this principle furnishes, I think, a sufficient reason why this bill should not be approved.

"I am of the opinion, too, that the appropriation of this money by the Board of Supervisors would constitute the incurring of an indebtedness by the County to be thereafter met by taxation. If this be true, the proposed legislation is forbidden by section eleven of article eight of the Constitution, which provides that no



county, city, town or village shall be allowed to incur any indebtedness except for county, city, town or village purposes.

"Before this prohibition became a part of the Constitution, a statute was passed permitting monuments to be erected to fallen soldiers at the expense of the inhabitants of the county within which they were located; but the expenditure of money raised by taxation for such a purpose was only allowed when especially sanctioned by the vote of a majority of all the electors of the county. In the bill under consideration the taxpayers are not permitted to be heard on the subject.

"It is thus evident that the legislation proposed guards less the rights and interests of the people than the statute passed before the Constitutional amendment prohibited all enactments of this description.

"I may, perhaps, be permitted to express the hope that a due regard to fundamental principles and a strict adherence to the letter and spirit of the Constitution, which furnish the limit as well as the guide to legislation, will prevent the passage of bills of this nature in the future."

Within a week, however, the Governor was obliged to veto, as violative of the same principle, a bill to authorize certain towns in Jefferson and St. Lawrence counties to relieve their railroad stocks from existing liens. Certain stock of the Black River and Morristown Railroad Company being held by certain towns, it was the design of the bill (as stated to and by the Governor),

"To use the money which under its provisions is to be raised by tax to pay certain indebtedness of the said railroad company, in the expectation that thereby a consolidation of its road with the Utica and Black River Railroad may be effected. By this means it is hoped that the stock in the Black River and Morristown Railroad Company, to which the towns mentioned have subscribed, may be made more valuable.

"I am of the opinion, that the bill if approved, would not justify such an expenditure of the money proposed to be raised.

"In this view, the legislation sought would be of no avail.

"If the bill does permit such an application of public funds, it seems to be in direct contravention of the Constitution, which provides that no town shall give any money or property, or loan its money or credit, to or in aid of any individual, association or corporation."

### Zealous Watchfulness.

His zealous watchfulness over the public funds has been not merely in respect of moneys or property already acquired, but has served to secure and preserve rights of the State to receive money, as in the case of his veto of the bill to authorize a compromise with the sureties of a defaulting debtor to the State. In that message he said as follows:

"The persons who seek to be relieved under this bill signed a bond to the State for the safe keeping and repayment on demand of certain moneys deposited in behalf of the State in the First National Bank of Buffalo.

"The bank has failed and is unable to refund the State's deposits. The securities in the bond have thus become liable to pay the money, and I can see no reason why they should be relieved.

"I am willing to do what I can to check the growing impression that contracts with the State will not be insisted upon or may be evaded. The money deposited with the bank was public money belonging to the people, and I regard it the duty of all having the care of State affairs to see to it that no part is lost by an improper indulgence to those who have agreed that it should be safely kept."

Similarly he vetoed a bill to authorize the Comptroller to sell a judgment obtained by loan commissioners. He said:

"This bill *originates* in the desire of a certain judgment creditor, to procure the judgment owned by the State, to aid him in the collection of his debt. If the judgment is of value, there seems to be no good reason why it should not be enforced for the benefit of the State in the ordinary way.

"I have full faith in the care and caution of the Comptroller; but there is no guaranty that, if this bill becomes a law, a sum will be offered for which the judgment should be transferred, in which case its enactment will be useless.



"If it is thought best to dispose of this judgment, there should be a sum fixed in the bill based upon an offer made, upon the payment of which an assignment of the same should be directed."

If to any, it may seem that such matters are unimportant, the answer is that by allowing no objectionable provision to escape attention and disapproval has Governor Cleveland established the reputation which deters attempts under any guise upon the public treasury for private ends.

In the supply bill for 1883, Governor Cleveland found twenty-seven items, aggregating \$250,704.36, which he vetoed under the application of his principle to appropriate public money for necessary public purposes only.

In his second year as Governor his course has been maintained upon the high level on which he set out; though in consequence of his first year's record upon this point he has less frequently been called upon to enforce his views upon legislative attention. It is not necessary here to reproduce his second series of papers concerning this subject. Their key-note has always been the same: expenditures of public moneys must be restricted to the purposes of government.

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## Taxation.

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Closely connected with his declarations as to public expenditure may be considered his views as to public taxation.

In his first annual message, he said:

"The imperfection of our laws touching the matter of taxation, or the faulty execution of existing statutes on the subject, is glaringly apparent.

"The power of the State to exact from the citizen a part of his earnings and income for the support of the Government, it is obvious should be executed with absolute fairness and justice. When it is not so exercised, the people are oppressed. This furnishes the highest and the best reason why laws should be enacted and executed which will subject all property, as all alike need the protection of the State, to an equal share in the burdens of taxation, by means of which the Government is maintained."

And in his second year, greatly amplifying the treatment of this subject, he thus expressed himself:

"The subject of taxation still remains a vexed question; and the injustice and discrimination apparent in our laws on this subject, as well as the methods of their execution, call loudly for relief. There is no object so worthy of the care and attention of the Legislature as this. Strict economy in the management of State affairs, by their agents, should furnish the people a good government at the least possible cost. This is common honesty. But to see to it that this cost is fairly and justly distributed and the burden equally borne by those who have no peaceful redress if the State is unjust, is the best attribute of sovereignty and the highest duty to the citizen. The recognition of this duty characterizes a beneficent government, but its repudiation marks the oppression of tyrannical power. The taxpayer need not wait till his burden is greater than he can bear for just cause of complaint. However small his tax, he may reasonably protest, if it represents more than his share of the public burden, and the State neglects all efforts to apply a remedy.

"The tendency of our prosperity is in the direction of the accumulation of immense fortunes, largely invested in personal property; and yet its aggregate valuation, as fixed for the purpose of taxation, is constantly decreased, while that of real estate is increased. For the year 1882 the valuation of personal property subject to taxation was determined at \$351,021,189, and real estate at \$2,432,661,379. In 1883 the assessed valuation of personal property was fixed at \$315,039,085, and real estate \$2,557,218,240.

"The present law permits, in the case of personal property, the indebtedness of its possessor to be deducted from its value, and allows no such deduction in favor of real estate, though it be represented by a mortgage which is a specific lien upon

such real estate. Personal property, in need more than any other of the protection of the government, when discovered, escapes taxation to the extent of its owners' indebtedness, though such indebtedness is based upon the ordinary credit in the transaction of business, or is fictitious and manufactured for the temporary purpose of evading taxation. But real property, the existence of which cannot be concealed, is, in contemplation of the law, taxed according to its full valuation, though the incumbrance upon it easily divests the owner of his title, though the interest and perhaps part of the principal must, as well as the tax, annually be met, and though if sold the amount due upon this lien must always be deducted from any sum agreed upon as the price of the land.

"This statement does not necessarily lead to a deduction of the amount of any incumbrance upon real estate from its valuation for the purpose of taxation; but it does suggest that both real and personal property should be placed upon the same footing, by abolishing, in all cases, any deduction for debts. This amendment, with some others regulating the manner in which local assessors should perform their duties, would do much towards ridding our present system of its imperfections.

"If measures more radical in their nature, having for their object the exaction of taxes which are justly due, should be deemed wise, I hope their passage will not be prevented under the specious pretext that the means proposed are inquisitorial and contrary to the spirit of our institutions. The object is to preserve the honor of the State in its dealing with the citizen, to prevent the rich, by shirking taxation, from adding to the burdens of the poor, and to relieve the landholder from unjust discrimination. The spirit of our institutions dictates that this endeavor should be pursued in a manner free from all demagogism, but with the determination to use every necessary means to accomplish the result."

And, viewing the position of New York in the midst of her sister States, he concluded:

"The State of New York largely represents within her borders the development of every interest which makes a nation great. Proud of her place as leader in the community of States, she fully appreciates her intimate relations to the prosperity of the country; and justly realizing the responsibility of her position, she recognizes, in her policy and her laws, as of first importance, the freedom of commerce from all unnecessary restrictions. Her citizens have assumed the burden of maintaining at their own cost and free to commerce, the waterway which they have built, and through which the products of the great West are transported to the seaboard. At the suggestion of danger she hastens to save her northern forests, and thus preserve to commerce her canals and vessel-laden rivers. The State has become responsible for a bureau of immigration, which cares for those who seek our shores from other lands, adding to the nation's population and hastening to the development of its vast domain; while at the country's gateway a quarantine, established by the State, protects the nation's health.

"Surely this great commonwealth, committed fully to the interests of commerce and all that adds to the country's prosperity, may well inquire how her efforts and sacrifices have been answered; and she, of all the States, may urge that the interests thus by her protected, should, by the greater government administered for all, be fostered for the benefit of the American people.

"Fifty years ago a most distinguished foreigner, who visited this country and studied its condition and prospects, wrote:

"When I contemplate the ardor with which the Americans prosecute commerce, the advantages which aid them, and the success of their undertakings, I cannot help believing that they will one day become the first maritime power of the globe. They are bound to rule the seas as the Romans were to conquer the world. \* \* \* The Americans themselves now transport to their own shores nine-tenths of the European produce which they consume, and they also bring three-fourths of the exports of the New World to the European consumers. The ships of the United States fill the docks of Havre and Liverpool, whilst the number of English and French vessels which are to be seen at New York is comparatively small.

"We turn to the actual results reached since these words were written, with disappointment.

"In 1840 American vessels carried eighty-two and nine-tenths per cent. of all our exports and imports; in 1850, seventy-two and five-tenths; in 1860, sixty-six and five-tenths; in 1870, thirty-five and six-tenths; in 1880, seventeen and four-tenths; in 1882, fifteen and five-tenths.

"The citizen of New York, looking beyond his State, and all her efforts in the interest of commerce and national growth, will naturally inquire concerning the causes of this decadence of American shipping.

"While he sternly demands of his own government the exact limitation of taxation by the needs of the State, he will challenge the policy that accumulates millions of useless and unnecessary surplus in the national treasury, which has been not less a tax because it was indirectly and surely added to the cost of the people's life.

"Let us anticipate a time when care for the people's needs, as they actually arise, and the application of remedies, as wrongs appear, shall lead in the conduct of national affairs; and let us undertake the business of legislation with the full determination that these principles shall guide us in the performance of our duties as guardians of the interests of the State."

To the people of the Nation not less than of the State do these wise and patriotic words give assurance to the liberal and statesmanlike views of Grover Cleveland, fitted by native character and study to administer the highest public office.

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## Reform Legislation for New York City.

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Reform in the administration of the government of New York City has been the subject of agitation for many years. Indeed, tinkering with the charters of the great cities of the State, either in the interest of or against their citizens, has occupied the time principally of successive sessions of the Legislature. But it was not until the session of 1884 that any well-considered scheme which went to the root of the evil was presented. To the furtherance of these measures Governor Cleveland gave all the aid he could, and most of them to-day are laws of the State, and those which are not—two—are not so only because they were so carelessly drafted that they defeated in themselves the purposes they sought to accomplish.

### Reform Bills.

These bills are:

The bill entitled "An act to centre responsibility in the municipal government of the city of New York."

The bill entitled "An act in relation to the office of the clerk of the city and county of New York."

The bill entitled "An act in relation to the office of Surrogate of the county of New York."

The bill entitled "An action in relation to the office of the Register of the city and county of New York."

The bill entitled "An act to regulate and provide for certain expenses of conducting the office of sheriff of the city and county of New York."

The bill entitled "An act to provide for a more efficient government for the departments of Parks in the city of New York;" and

The bill entitled "An act to fix and regulate the terms of office of certain public officers in the city of New York," more commonly known as the "Tenure of Office Bill."

This list embraces all of the bills known as the "New York Reform Bills"—seven in all, five of which were signed and two not approved, for reasons which will be given hereafter.



### The Mayor's Bill.

The first of these bills is the one known variously as the "Mayor's," the "Aldermanic," or the "Mayoralty responsibility bill." It is as follows:

AN ACT to centre responsibility in the Municipal Government of the City of New York.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. All appointments to office in the City of New York, and made by the Mayor and confirmed by the Board of Aldermen, shall hereafter be made by the Mayor without such confirmation.

§ 2. This act shall take effect January 1, 1885.

The bill was promptly signed by the Governor, who filed with it the following reasons for his act:

### Accompanying the Signing of the Mayor's Bill.

"EXECUTIVE CHAMBER, ALBANY, March 17, 1884.

"The interest which has been aroused regarding the merits of this bill, and quite a determined hostility which has been developed on the part of those entitled to respectful consideration, appear to justify a brief reference to the principles and purposes which seem to me to be involved in the measure, and an incidental statement of the process of thought by which I have been led to approve the same.

"The opponents of the bill have invoked the inviolability of the right of the people to rule themselves, and have insisted upon the preservation of a wise distribution of power among the different branches of government; and I have listened to solemn warning against the subversive tendency of the concentration of power in municipal rule, and the destructive consequences of any encroachment upon the people's rights and prerogatives.

"I hope I have not entirely misconceived the scope and reach of this bill; but it seems to me that my determination as to whether or not it should become a law does not depend upon the reverence I entertain for such fundamental principles.

"The question is not whether certain officers heretofore elected by the people of the City of New York shall, under the provisions of a new law, be appointed. The transfer of power from an election by the people to an appointment by other authority, has already been made.

"The present charter of the city provides that the mayor 'shall nominate, and by and with the consent of the board of aldermen appoint the heads of departments.'

"The bill under consideration provides that after the 1st day of January, 1885, 'all appointments to office in the City of New York now made by the mayor and confirmed by the board of aldermen shall be made by the mayor without such confirmation.'

"The change proposed is clearly apparent.

"By the present charter the mayor, elected by all the people of the city, if a majority of twenty-four aldermen elected by the voters of twenty-four separate districts concur with him, may appoint the administrative officers who shall have charge and management of the city departments.

"The bill presented for my action allows the mayor alone to appoint these officers. This authority is not conferred upon the mayor now in office, who was chosen without anticipation on the part of the people who elected him, that he should exercise this power, but upon the incoming mayor who, after the passage of the act, shall be elected with the full knowledge on the part of the people, at the time they cast their votes, that they are constituting an agent to act for them in the selection of certain other city officers.

"This selection under either statute is delegated by the people. In the one case it is exercised by the chief executive acting with twenty-four officers representing as many different sections of the municipality; in the other by the chief executive alone.

"I cannot see that any principle of democratic rule is more violated in the one case than in the other. It appears to be a mere change of instrumentalities.



"It will hardly do to say that because the aldermen are elected annually, and the mayor every two years, that the former are nearer the people and more especially their representatives. The difference in their terms is not sufficient to make a distinction in their direct relations to the citizen.

"Nor are the rights of the people to self government in theory and principle better protected when the power of appointment is vested in twenty-five men, twenty-four of whom are responsible only to their constituents in their respective districts, than when this power is put in the hands of one man elected by all the people of the municipality with particular reference to the exercise of such power. Indeed, in the present condition of affairs, if disagreement arises between the mayor and the aldermen, the selection of officers by the representative of all the people might be defeated by the adverse action of thirteen representatives of thirteen aldermanic districts. And it is perfectly apparent that these thirteen might, and often would, represent a decided minority of the people of the municipality.

"It cannot be claimed that an arrangement which permits such a result is pre-eminently democratic.

"It has been urged that the proposed change is opposed to the principle of home rule. If it is intended to claim that the officers, the creation of which is provided for, should be elected, it has no relevancy; for that question is not in any manner presented for my determination. And it surely cannot be said that the doctrine of home rule prevents any change by the Legislature of the organic law of municipalities. The people of the city cannot themselves make such change; and if legislative aid cannot be invoked to that end, it follows that abuses, flagrant and increasing, must be continued, and existing charter provisions, the inadequacy of which for the protection and prosperity of the people is freely admitted, must be perpetuated. It is the interference of the Legislature with the administration of municipal government, by agencies arbitrarily created by legislative enactment, and the assumption by the law-making power of the State, of the rights to regulate such details of city government as are or should be under the supervision of local authorities, that should be condemned as a violation of the doctrine of home rule.

"In any event I am convinced that I should not disapprove the bill before me on the ground that it violates any principle which is now recognized and exemplified in the government of the City of New York.

"I am also satisfied that as between the system now prevailing and that proposed, expediency and a close regard to improved municipal administration lead to my approval of the measure.

"If the chief executive of the city is to be held responsible for its order and good government, he should not be hampered by any interference with his selection of subordinate administrative officers; nor should he be permitted to find in a divided responsibility an excuse for any neglect of the best interests of the people.

"The plea should never be heard that a bad nomination had been made because it was the only one that could secure confirmation.

"No instance has been cited in which a bad appointment has been prevented by the refusal of the Board of Aldermen of the City of New York to confirm a nomination.

"An absolute and undivided responsibility on the part of the appointing power accords with correct business principles, the application of which to public affairs will always, I believe, direct the way to good administration and the protection of the people's interests.

"The intelligence and watchfulness of the citizens of New York should certainly furnish a safe guaranty that the duties and powers devolved by this legislation upon their chosen representative, will be well and wisely bestowed; and if they err or are betrayed, their remedy is close at hand.

"I can hardly realize the unprincipled boldness of the man who would accept at the hands of his neighbors this sacred trust, and standing alone in the full light of public observation, should willfully prostitute his powers and defy the will of the people.

"To say that such a man could by such means perpetuate his wicked rule, concedes either that the people are vile or that self-government is a deplorable failure.

"It is claimed that because some of these appointees become members of the Board of Estimate and Apportionment, which determines very largely the amount of taxation, therefore the power to select them should not be given to the mayor. If the question presented was whether officials having such important duties and

functions should be elected by the people or appointed, such a consideration might well be urged in favor of their election. But they are now appointed, and they will remain appointed whether the proposed bill should be rejected or approved. This being the situation, the importance of the duties to be performed by these officials has to do with the care to be exercised in their selection, rather than the choice between the two modes of appointment which are under consideration.

"For some time prior to the year 1872, these appointments were made by the mayor without confirmation, as is contemplated by the bill now before me. In that year a measure passed the Legislature giving the power of appointment to the common council. The chief executive of the State at that time was a careful and thorough student of municipal affairs, having large and varied experience in public life. He refused to approve the bill, on the ground that it was a departure from the principle which should be applied to the administration of the affairs of the city, and for the reason that the mayor should be permitted to appoint the subordinate administrative officers without the interference of any other authority.

"This reference to the treatment of the subject by one of my distinguished predecessors in office, affords me the opportunity to quote from his able and vigorous veto message which he sent to the Legislature on that occasion. He said :

" ' Nowhere on this continent is it so essentially a condition of good government as in the city of New York, that the chief executive officer should be clothed with ample powers, have full control over subordinate administrative departments, and so be subject to an undivided responsibility to the people and to public opinion for all errors, short comings and wrong doings by subordinate officers.'

"He also said :

" ' Give to the city a chief executive, with full power to appoint all heads of administrative departments. Let him have power to remove his subordinates, being required to publicly assign his reason.'

"He further declared :

" ' The members of the common council in New York, will exert all the influence over appointments which is consistent with the public good, without having the legal power of appointment, *or any part of it*, vested in their hands.'

"In 1876, after four added years of reflection and observation, he said, in a public address, when suggesting a scheme of municipal government :

" ' Have, therefore, no provision in your charter requiring the consent of the common council to the mayor's appointments of heads of departments ; *that only opens the way for dictation by the council or for bargains*. This is not the way to get good men nor to fix the full responsibility for mal-administration upon the people's chosen prime minister.'

"These are the utterances of one who, during two terms had been mayor of the city of New York and for two terms recorder of that city ; and who for four years had been Governor of the State.

"No testimony, it seems to me, could be more satisfactory and convincing.

"It is objected that this bill does not go far enough, and that there should be a rearrangement of the terms of these officers ; also that some of them should be made elective. This is undoubtedly true ; and I shall be glad to approve further judicious legislation supplementary to this, which will make the change more valuable and surround it with safeguards in the interests of the citizens. But such further legislation should be well digested and conservative, and, above all, not proposed for the purpose of gaining a mere partisan advantage.

"I have not referred to the pernicious practices which the present mode of making appointments in the city of New York engenders, nor in the constantly recurring bad results for which it is responsible. They are in the plain sight of every citizen of the State.

"I believe the change made by the provisions of this bill gives opportunity for an improvement in the administration of municipal affairs ; and I am satisfied that the measure violates no right of the people of the locality affected, which they now enjoy. But the best opportunities will be lost and the most perfect plan of city government will fail, unless the people recognize their responsibilities and appreciate and realize the privileges and duties of citizenship. With the most carefully devised charter, and with all the protection which legislative enactments

can afford them, the people of the city of New York will not secure a wise and economical rule until those having the most at stake determine to actively interest themselves in the conduct of municipal affairs.

"GROVER CLEVELAND."

### The County Clerk's Bill.

The County Clerk's bill (chap. 299 Laws of 1884) is one the object of which can be stated in a few words. It provides :

1. That hereafter, in lieu of the fees received by the county clerk estimated as high as \$100,000 per year by some, the county clerk shall receive a salary of \$15,000 per year.

2. That all fees heretofore collected under authority of law for the county clerk shall be accounted for and paid monthly into the treasury of the City and County of New York.

3. It fixes the amount of fees that shall be collected; and

4. Provides safeguards and penalties for the proper transaction of business.

This bill the Governor signed promptly.

### The Sheriff's Bill.

The Sheriff's bill, the terms of which have in some quarters been a matter of dispute and discussion, is presented in full.

#### CHAP. 297.

An act to regulate and provide the certain expenses of conducting the office of sheriff of the City and County of New York.

Passed May 14, 1884; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. After the passage of this act the Board of Aldermen of the City of New York shall cease to have or exercise any powers in regard to regulating, establishing or providing for the compensation to be paid to the Sheriff of the City and County of New York for the performance of any duties now or hereafter imposed by law upon said Sheriff.

§ 2. Within thirty days from the first day of November, eighteen hundred and eighty-four, and thereafter yearly within the same period, the sheriff of the city and county of New York shall present to the board of estimate and apportionment of said city an estimate in writing of the amounts which he deems necessary for defraying during the ensuing year those objects of expenditure connected with his said office, which are by law made a charge upon said city and county. The yearly estimate so presented by the said sheriff shall specify the aggregate of per capita amounts which he deems necessary to compensate him for filing returns of criminal convictions according to law with the secretary of state; for conveying prisoners from the city prison to the penitentiary, to the house of refuge, and to the courts of oyer and terminer and general sessions and back to prison from said courts; for the support of prisoners confined in the county jail, whether criminal or civil prisoners; for summoning jurors according to law; for the attendance of himself and his deputies at the execution of criminals, and all other expenses connected therewith, and prior to execution; and the said estimate shall specify in detail all other objects of expenditure connected with said office chargeable as aforesaid to said city and county, with the amounts which the said sheriff deems necessary for defraying the same.

§ 3. The said board of estimate and apportionment shall, in making their provisional and final estimates of the amounts requisite to meet the expenses of conducting the public business of the city and county of New York, consider the yearly estimate presented by said sheriff, and shall provide for the various objects of expenditure in said yearly estimate specified, such sums or fix such rates of payment therefor as in the judgment of said board of estimate and apportionment may deem necessary and sufficient. No expense chargeable to said city and



county shall be incurred by said sheriff in excess of the amounts appropriated or rates fixed therefor by said board.

§ 4. All acts or parts of acts authorizing the board of Aldermen of the city of New York, as such board, or as the board of supervisors of the county of New York, to contract with the sheriff of said city and county for the performance of any services for said city and county, or to compensate said sheriff for any services performed by him, so far as such acts or parts of acts do grant such authority, and all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 5. This act shall take effect immediately.

This bill the Governor also signed at once.

### The County Register's Bill.

The Register's bill provided :

1. That in lieu of the fees now received by the Register, he should have a salary of \$12,000 per year, and
2. Regulated the fees to be charged and provided for proper turning over to the treasury of the city and county.

### The Surrogate's Bill.

The Surrogate's bill provided :

1. That the office and all its appointments should be removed from the control of the Board of Aldermen.
2. Giving the absolute control to the Surrogate.
3. Fixing the fees to be charged in office of Surrogate, and
4. Providing that such fees as shall be charged be turned over monthly to the treasury of the county ; and
5. Cutting down largely fees heretofore charged.

These bills, when the Governor came to examine, were in such shape that he could not sign them, their defects defeating their purpose. Fortunately they had been received in the Executive Chamber while the Legislature was yet in session, when they could yet be recalled, and when their defects could be remedied.

Consequently, the Governor addressed a message to the Assembly, where the bills originated, asking their recall and amendment, as follows :

### Endeavoring to Correct Errors.

“ EXECUTIVE CHAMBER, ALBANY, May 12, 1884,

*“To the Assembly :*

“I have examined Assembly bill No. 466, entitled ‘An act in relation to the office of register of the city and county of New York,’ and the Assembly bill No. 467, entitled ‘An act in relation to the office of surrogate of the county of New York,’ and I am of the opinion that both of them should be recalled for amendment. I am led to make this suggestion for the reason that these bills belong to a class of remedial measures of great importance, and from the enactment of which valuable reforms are anticipated. It is manifest that their good effect should not be jeopardized or diminished by imperfection in their form or by the omission of any provisions which tend to make them complete and effective.

“In the bill relating to the office of Register, subdivision 16 of section 4 appears to be unintelligible. The language is as follows : ‘Every certificate other than that a paper for the copying of which he is entitled to a fee is a copy, twenty-five cents.’

“I suppose the intention may be expressed in the following words :

“‘Every certificate other than to a paper, for the copying of which he is entitled to a fee, twenty-five cents.’

“Section five of the act provides for the giving of a bond for the faithful discharge of his duties by ‘The register appointed or elected as successor to the present incumbent of that office in the city and county of New York.’



"Of course this should be made to apply to all registers hereafter elected or appointed.

"Section ten, in relation to the keeping of accounts, is in the same form, and appears to need the same amendment.

"In line nine of section five the word 'clerk' by mistake used instead of 'register' is quite an important provision.

"Sections ten and eleven both require a statement showing, among other things, 'the fees, perquisites and emoluments which the register or his assistants *shall be entitled to demand from any person* for services rendered in his or their official capacity.' There should, I think, be no such provision in the law; but, on the contrary, it should contain a positive direction to the register that he should give no credit to any person for fees, or that he should receive the same in advance and be responsible to the city and county for all fees earned by him.

"The plan of this bill is to pay to the register a salary, and have the fees of the office turned into the treasury of the city and county. This officer, thus assured of his salary, will have no personal interest in collecting the fees of his office; and the city should be protected against an accumulation of very doubtful assets comprising numerous accounts against attorneys for register's fees.

"Bill No. 467, relating to the office of surrogate, provides in its sixth section, that after the passage of this act 'the surrogate, the assistant to said surrogate, or other clerks, employees or subordinates in or attached to the office or court of surrogate, shall not charge or receive *to his or their own use and benefits* or otherwise than for the benefits of said county, any fees, perquisites or emoluments for any services rendered by him or them by virtue of his or their official positions, except as provided in subdivision one of section seven of this act.

"Section seven provides that no fees, perquisites or emoluments shall be charged or received by the surrogate, or any of his assistants or subordinates, except as therein specified.

"Then follows subdivision one, which is referred to in section six, as fixing the fees that may be charged and received *to their own use* by the surrogate, and his assistants and subordinates, which is in the following words:

"1. When in a case prescribed by law, or in any other case, upon the application of a party, *he* goes to a place other than *his* office, or the court-room where he is required to hold court, in order to take testimony, *he* may charge and receive *to his own use*, ten cents for each mile for going and the same for returning."

"This is the exact language of subdivision one of section 2566 of the Code of Civil Procedure. But by that section the mileage allowed is confined to the surrogate alone, and not to any assistants or subordinates. It was evidently intended to apply to counties embracing a large area, and to cases when the surrogate might be called upon to travel a considerable distance, involving an expense for which he should be reimbursed.

"I can see no propriety in making this application even to the surrogate of the City and County of New York; and as it may be claimed that it applies under this bill to the subordinates as well as to the surrogate, it would seem to open the door to abuses.

"I think all the provisions of the bill permitting any fees to be received by the surrogate or his subordinates, to his or their own use, should be stricken out, and that the same should be expressly prohibited.

"There should also be inserted in this bill, in my judgment, a prohibition against the surrogate giving any credit for his fees and services, and holding him responsible to the city and county for all fees earned in his office.

"I have not had an opportunity to examine the other bills in my hands, similar to those referred to, relating to the public offices in the city of New York, with such care as is necessary, to determine whether they contain similar imperfections.

"I recommend that bills Nos. 466 and 467, which are above referred to, be recalled for amendment. And in view of the near approach of the final adjournment of the Legislature, I suggest that the other bills of a like character be also recalled or carefully examined by some party familiar with the subjects they embrace, so that fatal defects shall not be discovered when it is too late for amendment.

"GROVER CLEVELAND."

These two bills were recalled and amendments made, but not in a manner which was satisfactory to anybody. However, while regretting that the amend-

ments had not been more carefully drawn, the Governor signed the bills, and in a memorandum filed with them gave his reasons for doing so.

### Defective Bills.

These bills were returned during the closing hours of the session, and about the same time also were the bills known as the "Park Commissioners' bill" and "Tenure of Office bill," sent to the Governor. At that time not less than one hundred and fifty bills were awaiting the action of the Governor, a number which was increased to four hundred upon the adjournment; consequently before the Governor could reach these bills the Legislature of 1884 had adjourned, and all opportunity to remedy errors gone.

The "Tenure of Office bill" and "Park Commissioners' bill" are presented below that their defects may be seen."

#### Tenure of Office Bill.

AN ACT to fix and regulate the terms of office of certain public officers in the City of New York.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Every officer, commissioner or head of department in the City of New York who shall be hereafter appointed during the term for which the present mayor of that city was elected, by said mayor, with or without confirmation by the Board of Aldermen, either to fill a vacancy for an unexpired term, or for a full term, shall hold his office until and no longer than noon on the first day of February, eighteen hundred and eighty-five, and the appointment and qualification of his successor.

§ 2. The mayor of the City of New York, to be elected at the general election in the year 1884, shall, within thirty days after the commencement of the term for which he is elected, appoint successors to each office, commission and head of department who may be appointed during the remainder of the term for which the present mayor of that city was elected and the person so appointed shall hold office for the same terms respectively that those officers, commissioners and heads of departments whom they succeed would have held office if this act had not been enacted, provided that any commissioner or head of department, appointed under the provisions of this act, shall not hold office for any longer term or period than the term of office of the mayor by whom such commission or head of department shall be appointed and thirty days thereafter.

§ 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 4. This act shall take effect immediately.

#### Park Commission Bill.

AN ACT to provide for a more efficient government of the department of parks in the city of New York.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The terms of office of the present commissioners of the department of public parks in the city of New York, and of any of their successors who may be appointed by the present mayor of said city, shall cease and terminate on February one, eighteen hundred and eighty-five, and in their place the mayor shall, within ten days thereafter, appoint three commissioners, who shall be known as the commissioners of the department of public parks in the city of New York, and who shall succeed to all the rights, powers and duties of the present commissioners, one of whom shall serve for two years, one of whom shall serve for four years, and one of whom shall serve six years, or until removed by the mayor, at a salary of five thousand dollars a year each; and biennially thereafter the mayor shall appoint one commissioner of the department of public parks, who shall hold his office for two, four or six years, as the term of the office becoming vacant shall require, or until removed.

So reluctant was the Governor to sign the surrogate's and register's bill, with their imperfections, that he felt constrained to give the reasons which had finally induced him to give his signature to them. And in the same memoranda he gave his reasons for withholding his signature from the "Tenure of Office bill" and the "Park Commissioners' bill," all of which are presented below:

### The Governor's Reasons.

STATE OF NEW YORK,  
EXECUTIVE CHAMBER,  
ALBANY, June 14th, 1884. }

Memorandum filed with the approval of Assembly bill No. 466, entitled "An act in relation to the office of the register of the city and county of New York."

This bill, together with Assembly bill No. 467, entitled "An act in relation to the office of surrogate of the county of New York," which is also this day approved, came into my hands originally during the session of the Legislature and prior to the twelfth day of May last.

Upon examining these two bills I discovered certain defects and errors of so much importance that on the day last mentioned I addressed a message to the Assembly calling attention to the imperfections in the bills, and suggesting that they should be recalled for amendment.

This course was adopted by the Assembly and certain amendments were made, after which they were again returned to me for my approval.

I think they are still defective, in that while they oblige the city to pay certain salaries to the officers therein named, and profess to make all fees earned by them payable to the city, they permit these officers to turn over accounts against parties for whom official services are rendered instead of the fees in cash.

But, inasmuch as these deficiencies are not fatal, I waive my objections based thereon, and construe the fact that they were not remedied, though attention was particularly called to them, as proof that the Legislature differed with me as to the expediency of making a change.

Among other errors, however, which were considered by all interested of sufficient importance to make necessary the recall and amendment of these bills, was one occurring in that relating to the office of register, which limited the performance of certain important duties only to the immediate successor of the present incumbent.

In the message to the Assembly above referred to, after suggesting the recall of the bills for amendment, the following language was used:

"I am led to make this suggestion for the reason that these bills belong to a class of remedial measures of great importance, and from the enactment of which valuable reforms are anticipated. It is manifest that their good effect should not be jeopardized or diminished by imperfection in their form or by the omission of any provisions which tend to make them complete and effective."

And the message concluded in the following words.

"I have not had an opportunity to examine the other bills in my hands similar to those referred to, relating to the public offices in the city of New York, with such care as is necessary to determine whether they contain similar imperfections.

"I recommend that bills Nos. 466 and 467, which are above referred to, be recalled for amendment. And in view of the near approach of the final adjournment of the Legislature, I suggest that the other bills of a like character be also recalled or carefully examined by some party familiar with the subjects they embrace, so that fatal defects shall not be discovered when it is too late for amendment."

Notwithstanding this express warning there are two bills now in my hands which are connected in purpose and general design with those last referred to, which are so seriously imperfect that I have determined not to approve them. One of these is a Senate bill entitled "An act to fix and regulate the terms of office of certain public officers in the city of New York," which contains the same vice in an exaggerated form that caused the recall and amendment of the bill relating to the register. It absolutely makes no provision for the appointment of any officer or head of department after the immediate successors to those now in office.



And the second section provides that "the mayor of the city of New York, to be elected at the general election in the year eighteen hundred and eighty-four, shall, within thirty days after the commencement of the term for which he is elected, appoint successors to each *office*, commissioner and head of department, who may be appointed during the remainder of the term for which the present mayor of the city was elected; and the persons so appointed shall hold office for the same terms respectively that those officers, commissioners and heads of departments whom they succeed, would have held office if this act had not been enacted, provided that any commissioner or head of department appointed under the provisions of this act, shall not hold office for any longer term or period than the term of office of the mayor by whom such commissioners or head of departments shall be appointed, and thirty days thereafter."

Section third repeals all acts and parts of acts inconsistent with the provisions of this act.

It will be seen at a glance that this bill does not purport to "fix and regulate" the terms of all appointive offices, but only such as shall be appointed during the remainder of the term of the present mayor *and their immediate successors*. And it will be observed that the next mayor can only appoint successors to such officers as shall be appointed by the present mayor *during the remainder of his term*. I think the evident intention of the bill would be entirely defeated if the mayor now in office should allow the present incumbents to hold over until the expiration of their terms instead of appointing others in their places.

When the bill attempts to fix the terms of the appointees of the next mayor it would seem to provide in the same sentence for two limitations to such terms—that is, four years from the 1st day of May, 1885, as provided by the present law, and one year and eleven months from February 1st, 1885.

I observe, too, that the last limitation only applies to "commissioners and heads of departments," the word "officers" having been omitted, though it is embraced in the other limitation.

Of all the defective and shabby legislation which has been presented to me, this is the worst and most inexcusable, unless it be its companion, which is entitled "An act to provide for a more efficient government of the department of parks in the city of New York."

This bill provides that the terms of office of the present commissioners of the department of public parks in the city of New York, and any of their successors who may be appointed by the present mayor, shall cease on the 1st day of February, 1885, and that in their place the mayor shall appoint, within ten days thereafter, three commissioners, one of whom shall serve for two years, one for four years, and one for six years; and that "biennially thereafter the mayor shall appoint *one* commissioner of the department of public parks, who shall hold his office for two, four or six years, as the term of the office becoming vacant shall require or until removed."

I confess I am utterly unable, after considerable study, to determine when the terms of any appointees after the first would terminate, or how the department could be long continued with three members, under the provisions of this bill.

In 1887 the shortest term of these officers would expire and a commissioner should be appointed. What length of time for the new commissioner does the office becoming vacant "require?" I think the language of the bill can be most reasonably answered by making another appointment for two years. If this was done the new appointee's term would expire in 1889. But at this time the four years' term of an original appointee would also expire, making two offices to be then filled, while the mayor, by the bill, is limited to the appointment of one commissioner in that year.

If it was intended to create a commission of three members, it is entirely evident that the term of all appointees, after the first, should have been for six years.

Appreciating the litigation and the sacrifice of rights and interests which result from defective laws, I have earnestly tried, during my official term, to enforce care in their preparation. I am importuned every day to allow laws to go upon the statute book which are mischievously imperfect, but which are deemed good enough to promote the purposes of interested parties. It is not pleasant, constantly, to refuse such applications, but I conceive it my duty to do so.

Though the purposes of these bills are supposed to be in the public interest, and though their failure may be a disappointment to many, I do not see that I



should allow them to breed dispute and litigation touching important public offices, and to be made troublesome precedents to encourage careless and vicious legislation.

GROVER CLEVELAND.

What the Author of the Bill says.

Soon after the publication of the Governor's reasons for withholding from the "Tenure of Office bill" his signature, Mr. Francis M. Scott, who had drawn the bill as it was originally presented—was in fact its author—addressed the following communication to the *New York Times*, entirely sustaining the position the Governor had taken :

*To the Editor of the New York Times :*

In view of Governor Cleveland's sharp criticism of the Tenure of Office bill, and the disposition manifested in some quarters to cavil at and belittle his reasons and question his motives, it is but fair both to the authors of the bill and to the Governor that the facts should be stated as they really are. The terms of office of the present Corporation Counsel and Commissioner of Public Works will expire in December of this year, and their successors, to be appointed by the mayor, with the consent and approval of the Aldermen, will, by the provisions of the Consolidation Act, hold office until four years from the first day of next May, and thenceforward the successive incumbents of those offices are to hold for four-year terms, commencing and ending on May first. As it was deemed to be unfortunate that the first mayor to be elected under the new municipal system inaugurated by the aldermanic bill should find all the important offices already filled for terms extending beyond his own, a bill was prepared providing that all commissioners, heads of departments, and other officers who should be appointed by the present mayor, either for a full term or to fill a vacancy, with or without confirmation by the Board of Aldermen, should hold office until the first day of February, 1885, and until their successors should be appointed, and that such successors when appointed should hold office for the terms for which those whom they succeeded would have held but for this act.

This bill as originally drawn, was entirely clear and consistent with the present charter of this city, in effect simply changing the time of appointment of the officials who are to hold until May, 1889, from December, 1884, to February, 1885, while for this appointment of their successors in 1889 the consolidation act makes ample provision, and if it had reached the Governor in this form it would, I am satisfied, have met with no adverse criticism from him. After the bill had passed the Senate and came up for a third reading in the Assembly, a member from this city who had not then displayed the cloven hoof that his subsequent course in regard to the Board of Elections bill made so apparent, offered an amendment providing that the terms of such officials as might be appointed under the bill should be limited to the term of office of the mayor making the appointment. The friends of the measure, perhaps without sufficient consideration, accepted the amendment, and the bill was passed as amended and hurriedly sent to the Senate, where the amendment was concurred in.

This amendment had the precise effect that its astute proposer probably intended that it should have, and changed the bill from a complete and consistent to an incomplete and confused one. As amended, the bill provided a twenty-three months' term for those appointed under it, and made no provision whatever for the appointment of their successors or the duration of their terms, leaving such provision to be supplied by future legislation or evolved by judicial construction out of some section of the consolidation act. It is easy for those who see grounds for the abuse of the Governor to say that he should have trusted to the next Legislature to cure any defects that he might discover in the bill, but it is clear that no careful and conscientious Executive should knowingly assent to a radically defective bill simply because he hopes that a Legislature not yet elected will see the defects and consent to rectify them.

As the draftsman of the original Tenure of Office act, and one of the most ardent supporters, I am constrained to agree with Governor Cleveland that in the shape in which it reached him it was a very shabby piece of legislation, quite unfit to find a place in the statute book.

As to the Park Commissioners' bill, it, too, was hastily and inconsiderately amended in the course of its passage through the Legislature, and was thereby quite as effectually spoiled as was the Tenure of Office act.

FRANCIS M. SCOTT,

No. 42 Pine street.

NEW YORK, Tuesday, June 17, 1884.

The *Times* in commenting upon the letter, made this following remark :

"A correspondent favors us with an explanation of an interpolation in the so-called Tenure of Office bill which had escaped our attention, and which entirely justifies Governor Cleveland's refusal to sign it. The amendment, which provided that the terms of office of the persons to be appointed under the bill to succeed those appointed by the present Mayor should be limited by the term of the Mayor appointing them, confused its provisions and made them inconsistent with themselves and with existing law. The purpose of the amendment was evidently hostile, but it escaped the attention of the friends of the measure."

Subsequently, this same controversy having sprung up as to the Governor's motive and action in the matter, Mr. Scott, whose letter is quoted above, wrote a letter to the *Evening Post*, July 28, which will be deemed by all conclusive and unanswerable—indeed, not even an attempt has been made to answer it. It is presented below :

#### The Author of the Tenure of Office Bill on the Veto.

To the Editor of the *Evening Post* :

SIR—In his letter published in the *Evening Post* of yesterday, Mr. George Bliss argues that the Governor's objections to the Tenure of Office bill were untenable, and that even if they were sound, they applied with as much force to the bill in its original as in its amended form.

It is no part of my purpose to defend the wording of the original bill, and I shall confine myself to a consideration of it in the shape in which it reached the Executive Chamber.

The specific objections which the Governor found to the bill were :

*First*—That it made no provision for the appointment of any officer or head of department after the immediate successors to those now in office.

*Second*—That the evident intention of the bill would be entirely defeated if the Mayor now in office should allow the present incumbents to hold over.

*Third*—That the bill provided in the same sentence two limitations to the terms of the appointees of the next Mayor.

Colonel Bliss is quite right in saying that I had section 106 of the Consolidation Act in mind when I drafted the Tenure of Office act, and that an acquaintance with the provisions of that section is necessary to a thorough comprehension of the Governor's first and principal objection to the bill. That section provides that "every head of department and person in this section named, except as in this act otherwise provided, shall hold his office for the term of six years, and in each case until a person is duly appointed and has qualified in his place ; but any person appointed after the commencement of the term as herein prescribed, shall hold only until the expiration of such term, and until a successor is duly appointed and qualified. The terms of office of all such heads of departments and persons, whensoever actually appointed, shall commence on the first day of May in the year in which the terms of office of their predecessors expire ; but the Comptroller, Corporation Counsel, and Commissioner of Public Works to be appointed on the expiration of the terms of office of the present incumbents in December, 1884, shall hold their offices until four years from the first day of May succeeding such month."

As I pointed out in my letter published in the *Times* on June 18th, the practical effect of the original bill was simply to postpone the appointment of the next Commissioner of Public Works and Corporation Counsel from December to February, leaving their terms of office and the appointment of their successors to be regulated by the above quoted section of the Consolidation Act.

The Dayton amendment went further and undertook to regulate the terms of office of the appointees of the next Mayor, and there stopped. When would their successors take office? Apparently in May, 1887, for the Consolidation Act says that the terms of office of heads of departments and persons whensoever actually

*appointed shall commence on the first day of May, in the year in which the terms of office of the predecessors expire.* But the Dayton amendment provides that no commissioner or head of department appointed under that act should hold office *for any longer term or period* than the term of office of the Mayor who appointed him and thirty days thereafter, and the usual saving clause extending the incumbency of the offices until the appointment and qualification of successors is conspicuous by its absence. The term of office of the next Mayor of this city will expire on January 1, 1887, and if the Tenure of Office act had become a law his appointees under it could have held office no longer than February 1, 1887, while by the terms of the Consolidation Act their successors, "whenever actually appointed," could not have become invested with office until the first day of the following May, leaving the city wholly unprovided with a Corporation Counsel or Commissioner of Public Works for three months. And when appointed and invested with office, for how long would the successors of the appointees of the next Mayor have held under the Dayton amendment, taken in connection with section 106 of the Consolidation Act? Not for four years apparently, for that term is limited to the terms of the officials who are to be appointed in December, 1884. They might hold for six years, or they might be deemed to have been appointed "after the commencement of a term as prescribed" in the Consolidation Act, the term prescribed in that act running from December, 1884, to May, 1889, in which case they would hold "until the expiration of such term." Much less ambiguity has often led in the past to expensive and protracted litigation, in which the city has been called upon to foot the bills on both sides.

The Governor's second objection was that the present Mayor by neglecting to make appointments could defeat the "evident intention" of the bill.

By the "evident intention" of the bill is clearly meant the intention to make the terms of office of the appointees of the next Mayor coterminus with his own.

The Dayton *proviso* affected the terms of office only of those "appointed under this act," and the act provided only for the appointment of successors to the appointees of the present Mayor.

If the present Mayor had made no appointments, no successors to his appointees could have been appointed, and the whole act, *including the Dayton amendment*, would never have gone into practical effect. In such an event the next Mayor on coming into office would have found a Corporation Council and a Commissioner of Public Works holding over, and would have appointed their successors, not by virtue of the Tenure of Office act, but by virtue of section 106 of the Consolidation Act, and these appointees would have held, not until February 1, 1887, but until May 1, 1889, thus palpably defeating the "evident intention" of the Tenure of Office bill as amended by the astute Mr. Dayton.

The validity of the Governor's third objection to the bill is apparent upon its face. Its second section provides in a single sentence that the appointees of the next Mayor shall hold office for two different terms, one extending to May 1, 1889, and the other expiring on February 1, 1887. I think that every candid reader must be prepared to admit that the bill as it reached the Governor, was in truth "defective and shabby legislation," which, until amended, was not even intelligible, and I confess my surprise that one who has had so much experience in Albany as has Colonel Bliss should deem it wise or even excusable in a careful Governor to sign a defective bill in the hope and trust that it may be amended in some way before its defects produce serious results.

As Colonel Bliss has dragged Commissioner Thompson's name into his letter, I may be permitted to make one remark as to the political effect of this much discussed veto. The effort is being made to convince the public that the veto of the Tenure of Office bill was intended and calculated in some way to strengthen Governor Cleveland's political friends. Its effect is exactly the reverse. The Governor has not to-day, and had not when the bill was vetoed, any more virulent, persistent, and aggressive foes than the leaders of Tammany Hall, and yet the Mayor who is to appoint and the Aldermen who are to confirm the successors to our present Commissioner of Public Works and Corporation Counsel are absolutely controlled by this same Tammany Hall. Had the Governor been actuated by any but pure and honest motives, he would either have stricken his enemies by signing the bill or would have utilized his veto by compelling their support at the State and national conventions. That he did neither is proof sufficient that the reasons he gave for the veto were the real ones that influenced his action.



So far as Mr. Dayton's course in regard to the bill is concerned, I have never believed for an instant that he foresaw the Governor's veto. What he unquestionably desired was to kill the bill. The session was drawing to a close; many private bills were awaiting their third reading; this bill had already passed the Senate by but a bare majority, and the friends of the *original* measure could count upon just enough votes to pass it in the Assembly on a fair fight; the situation was desperate, and the only chance to defeat the bill was to send it back to the Senate with an amendment, in hope that it would either be "hung up" in a conference committee or defeated when put upon its final passage as amended. Some one suggested the very plausible amendment that was offered by Mr. Dayton, and it gained favor so rapidly that Mr. Roosevelt, to save the bill, accepted the amendment. The bill as amended was sent to the Senate before any one had time to consider its language or effect, and the amendment was concurred in before the opponents of the bill had a chance to pass the word to have the measure delayed. The scheme to defeat the bill failed, but Mr. Dayton had "built better than he knew," and the Tenure of Office act had been hopelessly and fatally muddled and ruined.

FRANCIS M. SCOTT.

NEW YORK, July 28.

## The Soldiers.

The record of Governor Cleveland shows that his interest in the soldiers who went to battle in defence of the Union is not alone confined to words. He has never failed in any respect to give such assistance to the veteran soldiers as lay in his power, either as a public official or a private citizen. It is recited in another part of this work (under the head, "The Use of Public Moneys") how, when unable to give his sanction to the use of public moneys for the erection of a soldier's monument, as the chief executive of Buffalo, he led the movement for the procurement of the funds necessary for the purpose, by heading the subscription list as a private citizen. And so he is found also jealously guarding the good fame, and what symbolizes it, of the veteran soldier, not so much by word, as by deed. When it had come to the question of caring for the maimed, the crippled, and the disabled, he has never permitted any other consideration than the entire fitness of the person to fulfil the duties of trusteeship to influence him. This is noticeable in the appointment of officers of the Soldiers' Home at Bath.

### Burial of Dead Soldiers.

It is also noted in the promptness with which he signed the bill passed in 1883 (chap. 247, Laws of 1883), entitled "An act to amend chapter 203 of the Laws of 1881, entitled 'An act to authorize the burial of the bodies of any honorably discharged soldier, sailor or marine, who shall hereafter die without leaving means sufficient to defray funeral expenses.'" This bill provides as follows:

SECTION 1. It shall be the duty of the Board of Supervisors in each of the counties of this State to designate some proper authority, other than that designated by law for the care of paupers and the custody of criminals, who shall cause to be interred the body of any honorably discharged soldier, sailor or marine, who served in the army or navy of the United States during the late rebellion, who shall hereafter die without leaving means sufficient to defray funeral expenses; but the expenses of such funeral shall not in any case exceed the sum of thirty-five dollars. In case the deceased has relatives or friends who desire to conduct the burial, and who are unable or unwilling to pay the charges therefor, then the said sum shall be paid to them or their representatives, by the county treasurer, upon due proof of the death and burial of any person provided for by this section.

§ 2. Any interment provided for by the provisions of this act shall not be made in a cemetery, or in any cemetery or plot used exclusively for the burial of the pauper dead. The grave of any such deceased soldier, sailor or marine, shall be marked by



a headstone containing the name of the deceased, and, if possible, the organization to which he belonged or in which he served; such headstone shall cost not more than fifteen dollars, and shall be of such design and material as shall be approved by the board of supervisors, and the expense of such burial and headstone as above provided for shall be a charge upon and shall be paid by the county in which the said soldier, sailor or marine shall have died; and the board of supervisors of such county is hereby authorized and directed to audit the account and pay the expense of such burial in the same manner in which the accounts of such officers as shall be charged with the performance of such duty as above provided shall be audited and paid.

§ 3. This act shall take effect immediately.

This act which, as was stated above, was promptly signed by the Governor, was, in 1884, amended (chap. 319, Laws of 1884) so as to provide that the graves of any honorably discharged soldier, sailor or marine, who served in the war of the rebellion, and who had been buried previous to the enactment of 1883, should also be marked by a headstone by the counties in which the soldier, sailor or marine had died. This bill also the Governor promptly signed.

#### Soldiers Preferred in Public Employment.

The most important bill, however, signed by the Governor relating to soldiers was the one which is presented below, passed in 1884:

#### CHAP. 312.

AN ACT respecting the employment of honorably discharged Union soldiers and sailors in the public service of the State of New York.

Passed May 19, 1884; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. In every public department and upon all public works of the State of New York, honorably discharged Union soldiers and sailors shall be preferred for appointment and employment. Age, loss of limb or other physical impairment, which does not, in fact, incapacitate, shall not be deemed to disqualify them, provided they possess the other requisite qualifications.

§ 2. This act shall take effect immediately.

#### Preserving the Records of Soldiers.

In the matter of preserving correct records that the proper fame of the volunteer soldier should be transmitted to his descendants, his signature to the following bill is shown:

#### CHAP. 259.

AN ACT to provide for the completion of the records of New York volunteers of the war of the rebellion on file in the office of the adjutant-general of the State of New York, and for the safe keeping thereof.

Passed May 8, 1884; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The adjutant-general is hereby authorized and directed as soon as permission to do so shall have been obtained from the proper department of the general government, to cause copies to be made of all military records relating to New York volunteers in the war of the rebellion on file in the office of the adjutant-general of the United States army, and not on file in the office of the adjutant-general of this State; and to establish as a part of his office a bureau of records of the war of the rebellion, in which all records in his office relating to said war, and the records and relics of the bureau of military statistics shall be united and kept.

§ 2. The trustees of the capitol are hereby authorized and directed to assign suitable quarters to said bureau whenever the adjutant-general shall require and make demand therefor, and to properly fit up and prepare the same for the safe

keeping of said records, and the proper display of the said relics of the war of the rebellion.

§ 3. The treasurer shall pay, on the warrant of the comptroller, such sums as may from time to time be necessary to carry into effect the provisions of this act, not to exceed, however, the total sum of ten thousand dollars, on the audit of the adjutant-general and approval of the governor, which sum is hereby appropriated out of any moneys in the treasury not otherwise appropriated.

§ 4. This act shall take effect immediately.

### Speech Before the Grand Army.

And so in the following speech is found the pride he takes in the achievements of the soldiers of the State, and the regret over the lives of her sons sacrificed in the cause :

Response of Governor Cleveland to the toast "The State of New York," at the Grand Army of the Republic Banquet, in honor of the unveiling of the Soldier's Monument at Buffalo, July 4, 1884.

I am almost inclined to complain because the sentiment to which I am requested to respond is not one which permits me to speak at length of the city which, for more than twenty-nine years has been my home. You bid me speak of the State, while everything that surrounds me and all that has been done to-day, reminds me of other things. I cannot fail to remember most vividly, to-night, that exactly two years ago I felt that much of the responsibility of a certain celebration rested on my shoulders. I suppose there were others who did more than I to make the occasion a success, but I know that I considered myself an important factor, and that when, after weeks of planning and preparation, the day came and finally passed, I felt as much relieved as if the greatest effort of my life had been a complete success.

On that day we laid the corner-stone of the monument which has to-day been unveiled in token of its completion. We celebrated, too, the semi-centennial of our city's life. I was proud then to be its chief executive, and everything connected with its interests and prosperity was dear to me. To-night I am still proud to be a citizen of Buffalo, and my fellow townsmen cannot, if they will, prevent the affection I feel for my city and its people.

But my theme is a broader one, and one that stirs the heart of every citizen of the State.

The State of New York, in all that is great, is easily the leader of all the States. Its history is filled with glorious deeds and its life is bound up with all that makes the nation great. From the first of the nation's existence our State has been the constant and generous contributor to its life and growth and vigor.

But to the exclusion of every other thought to-night, there is one passage in the history of the State that crowds upon my mind.

There came a time when discord reached the family circle of States, threatening the nation's life. Can we forget how wildly New York sprang forward to protect and preserve what she had done so much to create and build up! Four hundred and fifty thousand men left her borders to stay the tide of destruction.

During the bloody affray which followed, nearly fourteen thousand and five hundred of her sons were killed in battle or died of wounds. Their bones lie in every State where the war for the Union was waged. Add to these nearly seventeen thousand and five hundred of her soldiers, who, during that sad time, died of disease, and then contemplate the pledges of New York's devotion to a united country, and the proofs of her faith in the supreme destiny of the sisterhood of States.

And there returned to her thousands of her sons who fought and came home laden with the honors of patriotism, many of whom still survive, and, like the minstrels of old, tell us of heroic deeds and battles won, which saved the nation's life.

When our monument, which should commemorate the sufferings and death of their comrades, was begun, the veterans of New York were here. To-day they come again and view complete its fair proportions, which in years to come shall be a token that the patriotic dead are not forgotten.

The State of New York is rich in her soldier dead, and she is rich in her veterans of the war. Those who still survive, and the members of the Grand Army

of the Republic, hold in trust for the State blessed memories which connect her with her dead; and these memories we know will be kept alive and green.

Long may the State have her veterans of the war; and long may she hold them in grateful and chastened remembrance. And as often as her greatness and her grandeur are told, let these be called the chief jewels in her crown.

### Grand Army Badges.

There were two other bills relating to soldiers passed by the Legislature from which the Governor was compelled to withhold his signature. One was the bill entitled "An act to prevent persons from unlawfully using or wearing the badge of the Grand Army of the Republic of this State." Its provisions are as follows:

SECTION 1. Any person who shall wear the badge of the Grand Army of the Republic, or, who shall use or wear the same to obtain aid or assistance thereby within this State, unless he shall be entitled to use or wear the same under the rules, regulations or by-laws of a Grand Army post, duly and regularly organized, shall be guilty of a misdemeanor, and upon conviction thereof by a court of competent jurisdiction shall be punished by imprisonment for a term not to exceed thirty days or a fine not to exceed twenty dollars, or by both such fine and imprisonment.

§ 2. The fines collected under the provisions of this act shall be paid, if the complaint upon which a conviction is procured is made by the comrade of any post to the post to which such complainant belongs. If such complaint shall be made by any other person than a comrade, then to the post or to the widow or orphan child or children of any deceased comrade who at the time of his death was a member in good standing of such post as may be designated by the complainant.

§ 3. This act shall take effect on the thirtieth day of May, one thousand eight hundred and eighty-four.

The above bill is a striking instance of that looseness of legislation and carelessness in the drafting of bills for enactment against which the Governor has protested and of which he has so frequently complained. It reached him when it was too late to correct its obvious errors, and, therefore, he was compelled to let the bill die without his signature. This he did most reluctantly, for the provision which makes it a misdemeanor to wear a Grand Army badge, "to obtain aid or assistance thereby within this State, unless he shall be entitled to use or wear the same under the rules, regulations or by-laws of a Grand Army post, duly and regularly organized," was praiseworthy in that it fixed a penalty to a species of false pretenses, of all others the most to be condemned, since the appeal is made to the higher patriotic impulses, while an honorable badge is degraded by the use to which it is put. For this reason the Governor, as he makes clear, would have been glad to sign the bill, but unfortunately, as the bill is drawn, the question of intent is left out of consideration entirely. The mere fact of wearing the badge is made criminal, or to use the words of the Governor:

"The wearing need not be characterized by any intent, but is criminal if not in accordance with the rules and regulations of an army post with which the wearer may be entirely unacquainted."

Again, the provisions for the disposition of the penalties to be collected on conviction of an offense against the proposed statute, as provided in section 2, are altogether too indefinite to safely have place among the penal provisions of the State, and opened up an opportunity for an improper use of them, while they certainly are against the established policy of the State in like matters.

There is still another view, and that is that a child of a soldier, having a pride in the record of the services of a deceased father in defense of the Union, and of which this badge is the token and the testimony, would, under the above provision, be prevented from manifesting that honorable pride by displaying it upon his person. The object sought to be gained by the measure is praiseworthy; the

means by which it was attempted to gain the end defeated the object and made it of doubtful utility.

### Soldiers' Certificates.

The other bill was that one entitled "An act to require the Secretary of State to procure a suitable plate, to print certificates, to be presented to honorably discharged soldiers, sailors and marines who served in the Union army and navy from the State of New York."

The terms of the bill are as follows:

SECTION 1. The Secretary of State is hereby authorized and empowered to procure a suitable plate on which to print a certificate, to be presented, in the name of the State of New York, to all honorably discharged soldiers, sailors and marines who enlisted and served in the Union army and navy from the State of New York.

§ 2. The Secretary of State is hereby authorized to deliver to all honorably discharged soldiers, sailors, marines, under the great seal of the State of New York, a copy of said certificate, having the signatures of the Governor, Adjutant-General and Secretary of State.

§ 3. The Comptroller is authorized to draw his warrant on the State Treasurer, to an amount not exceeding \$2,000 for the purpose of carrying out the provisions of this act.

§ 4. This act shall take effect immediately.

There could have been no possible objection to this bill if its provisions had not rendered its practical operation impossible.

1. The sum of \$2,000 was ridiculously inadequate, since the cost of the plate alone would have exceeded the amount appropriated, and there is a constitutional provision which prohibits an officer from, at any time, incurring a debt.

2. The officer to have taken charge of this matter was not the Secretary of State, but the Adjutant-General, who alone is the custodian of the rolls of the volunteer soldiers.

For these reasons the Governor withheld his signature.

## Grover Cleveland as a Public Officer.

In an examination of the record of Grover Cleveland as a public officer, no fact is more apparent than that the Governor has an old-fashioned regard for the duties of citizenship, and of the obligation of public officers to the people who intrusted them with power; a regard so rigid and strict as to recall the earlier days of the Republic.

That "public officials are the trustees of the people and exercise their powers for the benefit of the people," is something more than a trite utterance with Governor Cleveland; it is a sentiment deeply implanted, and exerts upon him controlling influence in the discharge of those duties with which he is intrusted, and is the standard by which he judges those who are in authority under him.

In the speech accepting the nomination for Mayor, at Buffalo, in 1881—in obedience to a call to which he responded much to his own disadvantage and, if he had considered only his personal preferences, much to his disinclination—he made this clear in the following words:

### Officials the Trustees of the People.

\* \* \* "And when we consider that public officials are the trustees of the people, and hold their places and exercise their powers for the benefit of the people, there should be no higher inducement to a faithful and honest discharge of public duty.

"These are very old truths; but I cannot forbear to speak in this strain to-day, because I believe the time has come when the people loudly demand that these



principles shall be sincerely, and without mental reservation, adopted as a rule of conduct. And I am assured that the result of the campaign upon which we enter to-day will demonstrate that the citizens of Buffalo will not tolerate the man or the party who has been unfaithful to public trusts. I say these things to a convention of Democrats because I know that the grand old party is honest, and they cannot be unwelcome to you. Let us then in all sincerity promise the people an improvement in our municipal affairs; and if the opportunity is offered to us, as it surely will be, let us faithfully keep that promise. By this means, and by this means alone, can our success rest upon a firm foundation and our party ascendancy be permanently assured. Our opponents will wage a bitter and determined warfare; but with united and hearty effort we shall achieve a victory for our entire ticket. And at this day, and with my record before you, I trust it is unnecessary for me to pledge to you my most earnest endeavors to bring about this result; and if elected to the position for which you have nominated me, I shall do my whole duty to the party; but none the less, I hope, to the citizens of Buffalo."

In an address delivered at Buffalo upon the occasion of the semi-centennial celebration of that city, July 3, 1882, when Mayor, he said:

#### Duties of Citizenship.

\* \* \* "And in this our day of pride and self-gratification, there is, I think, one lesson at least, which we may learn from the men who have come down to us from a former generation. In the day of the infancy of the city which they founded, and for many years afterwards, the people loved their city so well that they would only trust the management of its affairs in the strongest and best of hands; and no man in those days was so engrossed in his own business but he could find some time to devote to public concerns. Read the names of the men who held places in this municipality fifty years ago, and food for reflection will be found. Is it true that the city of to-day, with its large population, and with its vast and varied interests, needs less and different care than it did fifty years ago?"

"We boast of our citizenship to-night. *But this citizenship brings with it duties not unlike those we owe our neighbor and our God.* There is no better time than this for self-examination. He who deems himself too pure and holy to take part in the affairs of his city, will meet the fact that better men than he have thought it their duty to do so. He who cannot spare a moment in his greed and selfishness to devote to public concerns, will, perhaps, find a well grounded fear that he may become the prey of public plunderers; and he who indolently cares not who administers the government of this city will find that he is living falsely, and in the neglect of his highest duty." \* \* \*

#### Good and Pure Government Necessary to Progress.

Again, in an address when laying the corner stone of the Young Men's Christian Association Building, at Buffalo his own home, September 7, 1882, he said:

\* \* \* "We all hope and expect that our city has entered upon a course of unprecedented prosperity and growth. But to my mind not all the signs about us point more surely to real greatness than the event which we here celebrate. *Good and pure government lies at the foundation of the wealth and progress of every community.* As the chief executive of this proud city, I congratulate all my fellow citizens that to-day we lay the foundation stone of an edifice which shall be a beautiful ornament, and, what is more important, shall enclose within it walls such earnest Christian endeavors as must make easier all our efforts to administer safely and honestly a good municipal government."

Upon assuming the wider and more responsible duties of Governor, it is found that there is no abandonment of those principles, the application of which, in the administration of the affairs of Buffalo, had made him the focus of the eyes of the State. And so is found in his first annual message to the Legislature characteristic utterances as follows:

#### Reform in Civil Service.

"It is submitted that the appointment of subordinates in the several State departments, and their tenure of office or employment should be based upon fitness

and efficiency, and that this principle should be embodied in legislative enactment to the end that the policy of the State may conform to the reasonable public demand on that subject.

By this pledge, if it may be so termed, his subsequent administration has been governed, and it is to be noted here that he is the first to connect the public schools with the civil service, as will be seen by this extract from his annual message of 1884:

"New York then leads in the inauguration of a comprehensive State system of civil service. The principle of selecting the subordinate employees of the State on the ground of capacity and fitness, ascertained according to fixed and impartial rules, without regard to political predilections and with reasonable assurance of retention and promotion in case of meritorious service, is now the established policy of the State. The children of our citizens are educated and trained in schools maintained at common expense, and the people, as a whole, have a right to demand the selection for the public service of those whose natural aptitudes have been improved by the educational facilities furnished by the State. The application to the public service of the same rule which prevails in ordinary business of employing those whose knowledge and training best fit them for the duties at hand, without regard to other considerations, must elevate and improve the civil service and eradicate from it many evils from which it has long suffered."

#### Municipal Government.

"The formation and administration of the government of cities are subjects of much public interest, and of great importance to many of the inhabitants of the State. The formation of such governments is properly matter for most careful legislation.

"They should be so organized as to be simple in their details and to cast upon the people affected thereby the full responsibility of their administration. The different departments should be in such accord as in their operation to lead toward the same results. Divided counsels and divided responsibility to the people on the part of municipal officers, it is believed, gives rise to much that is objectionable in the government of cities. If, to remedy this evil, the chief executive should be made answerable to the people for the proper conduct of the city's affairs, it is quite clear that his power in the selection of those who manage its different departments should be greatly enlarged."

#### Primary Elections.

"The protection of the people in their primaries will, it is hoped, be secured by the early passage of a law for that purpose which will rid the present system of the evils which surround it, tending to defraud the people of rights closely connected with their privileges as citizens."

#### Special Legislation.

"It is constantly expected that those who represent the people in the present Legislature will address themselves to the enactment of such laws as are for the benefit of all the citizens of the State, to the exclusion of special legislation and interference with affairs which should be managed by the localities to which they pertain.

"It is not only the right of the people to administer their local government, but it should be made their duty to do so. Any departure from this doctrine is an abandonment of the principles upon which our institutions are founded, and a concession of the infirmity and partial failure of the theory of a representative form of government.

"If the aid of the Legislature is invoked to further projects which should be subject to local control and management, suspicions should be at once aroused, and the interference sought should be promptly and sternly refused.

"If local rule is in any instance bad, weak or inefficient, those who suffer from maladministration have the remedy within their own control. If, through their neglect or inattention, it falls into unworthy hands, or if bad methods and practices gain a place in its administration, it is neither harsh nor unjust to remit those who are responsible for those conditions to their self-invited fate, until their interest, if no better motive, prompts them to an earnest and active discharge of the duties of good citizenship."

## Watching the Interests of the Poor.

How carefully the interests of the poor and laboring classes are watched by the Governor was shown to the State by his refusal to make a law of the bill amending the act entitled "An act to revise the statutes of this State relating to banks, banking and trust companies."

"STATE OF NEW YORK, EXECUTIVE CHAMBER, )  
"ALBANY, May 19, 1883. )

"[Filed with Secretary of State.]

"*Memorandum filed with Assembly bill No. 592, entitled "An act to amend Chapter four hundred and nineteen of the laws of eighteen hundred and eighty-two, entitled 'An act to revise the statutes of this State relating to banks, banking, and trust companies.'"* Not approved.

"I have listened to the arguments of the friends of this measure, and am still convinced that the present law should not be changed in the manner proposed.

"The bill before me provides that savings banks may invest the money of depositors in bonds and securities which are excluded by the present carefully prepared statutes regulating this subject. Among other things, it permits the investment of such funds 'in other good securities (excepting bills of exchange, promissory notes, deposits of personal property, and stocks to which by law the personal liability of stockholders attaches) which may be approved by the Superintendent of the Banking Department, the Governor, Comptroller and State Treasurer, or a majority of them.'

"It must be conceded, I think, that no absolute certainty attends the judgment of men in relation to the matter of good securities. The State officers mentioned in the bill should not be burdened or intrusted with this important duty.

"I see no provision in the bill by which any security can be withdrawn from the list if once approved by these officers, even though it may become unsafe or worthless as an investment.

"Considerations have been earnestly urged upon me touching the ability of savings banks to pay a fair interest to depositors, with the present limitation upon the character of their investments.

"But I am firmly of the opinion that these institutions are, as their name implies, a place of deposit for the savings of those among the poor and laboring people, who see the propriety of putting aside a part of their earnings for future need, or as the beginning of an accumulation. Such depositors are not, and should not be, investors seeking, as a paramount purpose, an income by way of interest on their deposits. When they come to that, there are other instrumentalities which should be employed.

"Absolute safety of the principal deposited is what the patrons of savings banks should seek; and any governmental control over these institutions should, first of all, be directed to that end.

"I am not satisfied that this is done, when State officials, already charged with onerous duties, are called to decide upon the value of proposed securities, and when the safety of deposits is left to their determination, and the care of directors and trustees often tempted to speculative ventures, beyond their power to resist.

"A due regard to the protection of a class of citizens which should especially deserve the care of the State, requires, I believe, that the institutions having their savings in charge should be limited in the use of such deposits to investments described in the law, and which as nearly as possible insure absolute exemption from loss.

"I am unwilling to assent to the increased risk, which, I am convinced, lurks in the provisions of the proposed bill.

GROVER CLEVELAND."

## Protecting the Ballot Boxes.

A vigorous proclamation against violation of laws governing elections in this State was one of the acts of the Governor, which excited most favorable comment at the time of its issuance.

## STATE OF NEW YORK.

*Proclamation by Grover Cleveland, Governor.*

"The Constitution of the State directs that the Governor 'shall take care that the laws are faithfully executed.'

"An appeal has been made to the Executive, asking that the laws relating to bribery and corruption at elections be enforced. All must acknowledge that there is nothing more important in our form of government than that the will of the people, which is absolutely the foundation upon which our institutions rest, should be fairly expressed and honestly regarded. Without this, our system is a sham and a contrivance, which it is brazen effrontery to call a republican form of government.

"All this is recognized, in theory, by provisions in the Constitution of our State, and by stringent penal enactments, aimed at the use of money and other corrupt means to unlawfully influence the suffrages of the people and to thwart their will. And yet I am convinced that a disregard of those enactments is frequent, and in many cases shamelessly opened and impudent.

"I, therefore, call upon all District Attorneys within this State, and all Sheriffs and peace officers, and others having in charge the execution of the laws, to exercise the utmost diligence in the discovery and punishment of violations of the statutes referred to, and they are admonished that neglect of duty in this regard will be promptly dealt with.

"And I request that all good citizens, in the performance of a plain duty, for the protection of free institutions and in their own interests, report to the proper authorities the commission of any offense against the statutes passed to preserve the purity of the ballot.

[11. 8.] Done at the Capitol, in the City of Albany, this second day of November, in the year of our Lord one thousand eight hundred and eighty-three.

GROVER CLEVELAND.

By the Governor :

DANIEL S. LAMONT,  
*Private Secretary.*

## Excellent Affirmative Acts.

The above are culled from his speeches and messages and while they serve to afford a glimpse of the man in his public capacity, they by no means fill out the measures of his acts. His affirmative acts with reference to legislative enactments, are not so showy, but nevertheless they are as important and far reaching in their results, and as plainly indicate the principles by which his life is guided. A number of acts in the interest of the people were signed by him as follows :

One was the act to prevent baby farming (Chap. 40, Laws 1883)

One was the act to provide for the incorporation and regulation of co-operative or assessment life and casualty insurance associations and societies (Chap. 175, Laws 1883).

Though strongly pressed by powerful influences, he ranged himself upon the side of the people in signing the bill providing that the fare to be charged by the Utica and Black River Railroad Company should not exceed three cents per mile. (Chap. 174, Laws 1883.)

Another was the bill providing that it should be the duty of the board of supervisors to designate some proper authority other than that designated by law for the care of paupers and the custody of criminals, to inter the body of an honorably discharged soldier or sailor of the late rebellion, who should die without means sufficient to defray funeral expenses. (Chapter 247, Laws 1883.)

Another was the signing of a bill popularly known as the "Emigration Commission bill," which had for its purpose the improvement of the means of receiving and caring for emigrants arriving at the port of New York, a bill in which he was



greatly interested, the purposes of which were defeated in the Senate in 1883 by a bargain with Republicans. (Chap. 286, Laws 1883.)

An act concerning pawnbrokers, and regulating the rate of interest to be charged for loans. (Chap. 339, Laws 1883.)

The bill to provide for the establishment of a bureau of labor statistics, reference to which was made under the head of labor. (Chap. 356, Laws 1883.)

An act in relation to receivers of corporations, and was in the interest of creditors in that it prevented the assets of insolvent corporations from being eaten up. (Chap. 378, Laws 1883.)

The bill to suppress political assessments upon those holding place under the State government. (Chap. 422, Laws 1883.)

The bill to provide for submitting to the electors of the State the proposition to abolish contract labor from State prisons, referred to under the head of labor. (Chap. 468, Laws 1883.)

### A Notable Fact.

These are some of the affirmative acts which were received by the applause of the State. It is a notable fact that the course of the Governor with reference to legislation, his rigid scrutiny of bills, and prompt vetoes of those which were improper, had a marked effect upon the Legislature of 1884. Long before that Legislature assembled, one of the established facts current to the day, was that the Governor could not be cajoled or tricked into the signing of that which was not only improper but even doubtful, or into withholding his signature from that which was for the benefit of the people. Consequently the members governed themselves accordingly, and private bills remained in the committees to which they were referred, with hardly an exception.

### Some Acts of 1884.

Among the bills of general importance signed in 1884 was the act providing that no contracts for convict labor in prisons, penitentiaries or reformatories should be renewed, pending contracts extended, or new ones made. (Chap. 21, Laws 1884.)

The bill providing for a more efficient examination of the affairs of banks, banking and trust companies by the superintendent of banks. (Chap. 47, Laws 1884.)

The bill permitting the use of State armories by associations of discharged soldiers. (Chap. 71, Laws 1884.)

The bill to prevent deception in sales of dairy products, more popularly known as the Oleomargarine bill, a measure most earnestly desired by the vast dairy interests of the State. (Chap. 202, Laws 1884.)

The bill entitled "An act in relation to public education in the city of New York," which in fact wiped out the color and race line. (Chap. 248, Laws 1884.)

The act to provide for the completion of the records of New York volunteers of the War of the Rebellion, on file in the office of the Adjutant-General of the State of New York, and for safe-keeping thereof. (Chap. 259, Laws 1884.)

The bill amending chapter 339, Laws 1883, concerning pawnbrokers, widening its application to prohibit the sale of furniture stored as collateral for loans. (Chap. 363, Laws of 1884.)

The bill authorizing the slaughter of animals infected with contagious diseases and providing the payment of their actual value to the owner. (Chap. 408, Laws 1884.)

The bill preferring honorable discharged soldiers and sailors in employment in the public service of the State. (Chap. 319, Laws 1881.)

An act relating to the custody and care of indigent and pauper children by charitable institutions. (Chap. 438, Laws 1881.)

The act which provides greater safeguards for travellers upon the railroads of this State, affixing penalties for neglecting to take the precautions provided for. (Chap. 439, Laws 1881.)

The bill providing for a commission to inquire into the character and condition of tenement houses in the City of New York. (Chap. 448, Laws of 1884.)

The act providing that telegraph and electric light companies shall lay their wires underground in cities. (Chap. 534, Laws 1884.)

The bill to provide for the additional accommodations for common schools (Chap. 455, Laws 1884.)

While the above will show that the Governor has sedulously kept in view the old Democratic maxim of "the greatest good to the greatest number," it will also show that a strict regard for the best interests of the people has actuated him in all respects.

### In the Matter of Appointments.

The same motive is found in his appointments to office. More than any other consideration, that of distinguished fitness for place has governed him in the selection of persons to fill the important subordinate places of the State government.

### Superintendent of Public Works.

Thus James Shanahan, a great portion of whose life had been spent in connection with the management of the canal system of the State, and whose familiarity with its needs and requirements was exceeded by no one, was appointed to be Superintendent of Public Works. It was characteristic of the Governor's methods that it was eminently practical appointment. No doubt others did have more powerful political influences behind them. This man's eminent qualifications for the work before him weighed against everything else, so he was appointed.

### Department of Insurance.

The Department of Insurance was another most important place and very desirable in the eyes of many. The pressure was great. But, in the office of the Department was one who had been virtually the head for years. Administrations had come and gone, and superintendents of both political faiths had come and gone, but under them had remained as deputy, John A. McCall, who had entered the office as a boy and familiarizing himself with every branch and step of the business, had at last become such a necessity to the office, that Republican heads retained him, though a Democrat. Governor Cleveland would not have been Grover Cleveland, knowing these facts, if he had not appointed John A. McCall, Jr. So Mr. McCall became the Superintendent of Insurance.

### Railroad Commission.

When the Railroad Commission was to be appointed, he found that under the law certain commercial bodies of New York City could suggest one for appointment, and that it was further provided that one should be a Democrat, and one a Republican, one of whom should be a man acquainted with the railroad business. An examination of the law, the field the new board was to occupy, the duties it would be called upon to perform, and the profound legal questions it would be compelled to meet, showed conclusively that there must be a lawyer upon the

board. The commercial boards did not assist the Governor, for the person named by them was neither a Democrat, a Republican, one acquainted with the railroad business, nor a lawyer. The gentleman he did appoint as a Republican was one acquainted with the railroad business, and that was Mr. William E. Rogers, and in doing this he secured to the board the services of a superior civil engineer as well, for Mr. Rogers is a graduate of West Point, and holds the certificate of a civil engineer. Consequently the Democratic member of the Railroad Commission had to be a lawyer, and this was John J. Kernan, a son of Francis Kernan, who had won a leading place at the bar of Central New York, a bar held in high repute for the number of great men it has given to the State. Thus it was, under a law, the limitations of which were most unwise, the Governor in two men, while obeying the law in every particular, gave to the Board of Railroad Commissioners one acquainted with the railroad business, a civil engineer and a lawyer. The result has justified the selections of the Governor.

### Reforming Control of the New York Capitol.

The re-organization of the Capitol control, very much needed, gave the Governor an opportunity to perform real service to the people. So when he selected Mr. Isaac G. Perry to be Capitol Commissioner he gave to the State a man of practical knowledge and extraordinary efficiency. The Capitol, the work upon which had become a by-word and a reproach, seemed to take a leap forward at once, and the visitors to the Capitol could see it fairly grow under his hands. More was accomplished in a few months with the same amount of money, than had ever been known before. A factious Republican opposition fearing the effect of this reform upon the people undertook to counteract its effect by an inquisitorial investigation, the results of which were, in fact, but to show in brighter colors the wonderful work accomplished, and the committee of investigation was fairly shamed into commending the labor performed, and endorsing the administration of this department, and all the more as their factious opposition had interfered with the progress of the work, and laid an additional burden of \$500,000 at least upon the people, while robbing 1,200 laboring men of six months' work.

Of a like character was the appointment of Mr. Charles B. Andrews to be Superintendent of Public Buildings. This also was an eminently characteristic appointment, based, more than anything else, upon the Governor's own knowledge of the fitness of the man for the place. In this, as in all other cases, the result has justified the selection.

### Local Appointments.

Who forgets the ringing applause which greeted the appointment of Wheeler H. Peckham, to be District Attorney of New York, to fill the vacancy caused by the death of the Hon. John McKeon? And when the continuous ill health compelled Mr. Peckham to lay down the duties he had so recently assumed, was the applause less hearty that saluted his successor, Peter B. Olney?

One of the last appointments made by the Governor, that of Henry Wilder Allen, to be Judge of the Court of Common Pleas, is of the same high character.

The above does not embrace all of his appointments; it does not show those of the Civil Service Commissioners, nor of the Commissioner of Emigration that gave such widespread satisfaction, William H. Murtha, but which was defeated in the Senate of 1883 by a combination with Republicans by certain Senators; nor the minor appointments, selected with the same care and same regard for fitness.

"Where the Honor Lies."

Indeed, so high is the standard erected by the Governor, that the honor attached is not in the place to be occupied, but in the fact that the appointee has been selected by a Governor whose standard is so high.

## Grover Cleveland a Tried and Consistent Democrat.

Though deserving and receiving as a public officer the enthusiastic support of the great body of his fellow-citizens, irrespective of party, Governor Cleveland is a loyal member of the Democratic party. To this fact his record, his speeches, his principles and the voice of his own neighborhood bear concurrent testimony.

As a Democrat he was, in 1863, made assistant district attorney of the county of Erie. As a Democrat he was, in 1870, chosen to be county sheriff. As a Democrat he was, in 1881, elected to be mayor of Buffalo. As a Democrat, in 1882, he was elected to be Governor of the State, and now he stands as the chosen Democratic candidate for the Presidency. In these twenty-one years since his first designation for public office by the Democrats he has six times received the approval of the official councils of the party, and the people having failed to affirm this selection only once in the course of these twenty-one years, he may in every sense be said to have attained majority as a Democrat.

This long and unbroken testimony to his loyalty to the highest interests of his party, has been founded upon his public utterances and acts. He has never professed to be other than a Democrat.

In accepting the Democratic nomination for mayor of Buffalo in 1881, he said:

"GENTLEMEN OF THE CONVENTION—I am informed that you have bestowed upon me the nomination for the office of Mayor. It certainly is a great honor to be thought fit to be the chief officer of a great and prosperous city like ours, having such important and varied interests. I hoped that your choice might fall upon some other and more worthy member of the city Democracy, for personal and private considerations have made the question of acceptance on my part a difficult one. *But because I am a Democrat*, and because I think no one has a right at this time of all others to consult his own inclinations as against the call of his party and fellow-citizens, and hoping that I may be of use to you in your efforts to inaugurate a better rule of municipal affairs, I accept the nomination tendered to me. \* \* \* I am assured that the result of the campaign upon which we enter to-day, will demonstrate that the citizens of Buffalo will not tolerate the man or the party who has been unfaithful to public trusts. I say these things to a convention of Democrats because I know that the grand old party is honest, and they cannot be unwelcome to you. Let us then in all sincerity promise the people an improvement in our municipal affairs; and if the opportunity is offered to us, as it surely will be, let us faithfully keep that promise. By this means, and by this means alone, can our success rest upon a firm foundation and our party ascendancy be permanently assured. Our opponents will wage a bitter and determined warfare; but with united and hearty effort we shall achieve a victory for our entire ticket. And at this day, and with my record before you, I trust it is unnecessary for me to pledge to you my most earnest endeavors to bring about this result; and if elected to the position for which you have nominated me, I shall do my whole duty to the party, but none the less, I hope, to the citizens of Buffalo."

His nomination for Governor was accepted in a letter to the committee of the Democratic convention, in which he said, "The platform of principles adopted by the convention meets with my hearty approval. The doctrines therein enunciated are so distinctly and explicitly stated that their amplification seems scarcely neces-



sary. If elected to the office for which I have been nominated, I shall endeavor to impress them upon my administration and make them the policy of the State."

At the reception given to him by the Manhattan Club in the City of New York, December 6, 1882, he expressed himself in these sterling words :

"You who lead, and those who follow, should all strive to commend to the people in this, the time of our opportunity, not an administration alone, but a party which shall appear adequate to their wants and useful to their purposes. The time-honored doctrines of the Democratic party are dear to me. If honestly applied in their purity I know the affairs of the Government would be faithfully and honestly administered, and I believe that all the wants and needs of the people would be met. *They have survived all changes, and good and patriotic men have clung to them through all disasters as the hope of political salvation.* Let us hold them as a sacred trust, and let us not forget that an intelligent, reading, thinking people will look to the party which they put in power to supply all their various needs and wants, and the party which keeps pace with the development and progress of the times, which keeps in sight its land-marks and yet observes those things which are in advance, and which will continue true to the people as well as to its traditions, will be the dominant party of the future."

In a message sent to the Assembly April 9, 1883, he said :

"I believe in an open and sturdy partisanship, which secures the legitimate advantages of party supremacy ; but parties were made for the people, and I am unwilling, knowingly, to give my assent to measures purely partisan which will sacrifice or endanger their interests."

And upon the occasion of a serenade from the Albany Young Men's Democratic Club, upon the evening of his nomination, July 10, 1884, he spoke as follows :

FELLOW-CITIZENS—I cannot but be gratified with this kindly greeting. I find that I am fast reaching the point where I shall count the people of Albany not merely as fellow-citizens, but as townsmen and neighbors.

"On this occasion I am, of course, aware that you pay no compliment to a citizen, and present no personal tribute, but that you have come to demonstrate your loyalty and devotion to a cause in which you are heartily enlisted.

"The American people are about to exercise, in its highest sense, their power of right and sovereignty. They are to call in review before them their public servants and representatives of political parties, and demand of them an account of their stewardship.

"Parties may be so long in power, and may become so arrogant and careless of the interests of the people as to grow heedless of their responsibility to their masters. But the time comes, as certainly as death, when the people weigh them in the balance.

"The issues to be adjudicated by the nation's great assize are made up and are about to be submitted.

"We believe that the people are not receiving at the hands of the party, which for nearly twenty-four years has directed the affairs of the nation, the full benefits to which they are entitled, of a pure, just, and economical rule ; and we believe that the ascendancy of genuine Democratic principles will insure a better government, and greater happiness and prosperity to all the people.

"To reach the sober thought of the nation, and to dislodge an enemy intrenched behind spoils and patronage, involve a struggle, which, if we under-estimate, we invite defeat. I am profoundly impressed with the responsibility of the part assigned to me in this contest. My heart, I know, is in the cause, and I pledge you that no effort of mine shall be wanting to secure the victory which I believe to be within the achievement of the Democratic hosts.

"Let us, then, enter upon the campaign now fairly opened, each one appreciating well the part he has to perform, ready, with solid front, to do battle for better government, confidently, courageously, always honorably, and with a firm reliance upon the intelligence and patriotism of the American people."

Upon this series of utterances Governor Cleveland is entitled to rely as an explicit declaration of devotion to his party.

But for his firm maintenance of the cardinal principles of Democracy—simplicity of personal and official life ; ready and free access for the people ; untiring

industry and vigilant fidelity in the discharge of public duty ; rigid economy in the expenditure of public funds ; strict construction of the powers of public servants and stern enforcement of the requirements upon them ; publicity and purity of official action ; fearless discharge of duty as seen by himself, and inability to substitute the suggestions of others, not elected to office, for the judgment which he was chosen to exercise, stamp him as a Democrat in principle, vigorous, courageous and stalwart.

But in the exercise of this just preference for his own party, he has ever been mindful of the truth that the party is most useful, most prosperous and most harmonious, which most nearly satisfies the wants and promotes the welfare of the whole people.

As he said in the speech at the Manhattan Club (already mentioned) :

" We stand to-night in the full glare of a grand and brilliant manifestation of popular will, and in the light of it how vain and weak appear the tricks of politicians and the movements of partisan machinery. He must be blind who cannot see that the people well understand their power and are determined to use it when their rights and interests are threatened. There should be no skepticism to-night as to the strength and perpetuity of our popular government. Partisan leaders have learned, too, that the people will not unthinkingly follow, and that something more than unreasoning devotion to a party is necessary to secure their allegiance. \* \* \* \* We shall utterly fail to read aright the signs of the times if we are not fully convinced that parties are but the instruments through which the people work their will, and that when they become less or more the people destroy or desert them."

Absolutely accepting the Democratic doctrine that the people are not to be feared ; that they are not to be fooled ; that they approve courage, and that they prefer the enduring right to that which seems to be expedient for the present, Governor Cleveland has boldly borne the banner of Democracy and planted it upon advanced ground. Honest laws and their faithful administration have been his invariable motto.

## Life of Thomas A. Hendricks.

Thomas A. Hendricks, the Democratic candidate for Vice-President, was born near the town of Zanesville, Muskingum county, Ohio, on September 7th, 1819, sixteen years after the admission of Ohio into the Union, and when the State of Indiana, of which he was to become the most distinguished representative, was not yet three years old. Less than nine months after the birth of Thomas, his father removed to Madison, then the chief city of Indiana, the home of his brother William, and from that time forward the history of our candidate is identified with Indiana.

The family is of "Scotch-Irish" origin. On the father's side, his people were from the North of Ireland, and the ancestral Hendricks, more than a century ago, settled in the Legonier Valley, Westmoreland county, Western Pennsylvania. A brook flowing into the Conemaugh is called to this day "Hendricks' Run," and obtained that name from the fact that the settler of a hundred years ago put his wheel into it and utilized it first for milling purposes. The family grew in prosperity and respect, and Abraham, grandfather of the subject of this sketch, served in various public offices, and as a member of the legislature of Pennsylvania in the sessions of 1792-3, 1793-4, 1796-7 and 1797-8. Abraham had two sons, William and John, both of whom in early life emigrated from Pennsylvania to the growing West.

Four years before the colonies had thrown off the English yoke, the Thomson family, of pure Scotch blood, settled in the Cumberland Valley of Pennsylvania, near Shippensburg, Cumberland county. From that family has sprung distinguished men, and of the stock was Alexander Thomson, a jurist of renown, and Frank Thomson, vice-president of the Pennsylvania Railroad Company.

Jane Thomson, a sister of the jurist above named, and John Hendricks, a son of Abraham, the Pennsylvania legislator, met at the residence of Rev. Dr. Black in Pittsburgh, and the acquaintance there formed ended in marriage, the fruits of which was the birth of Thomas A. Hendricks.

William Hendricks, the elder brother of John, and, consequently, the uncle of Thomas A., had previous to the marriage of his brother removed to Cincinnati, where he engaged in the practice of law; subsequently, he removed to Indiana and quickly advanced to a leading position, being made a Representative in Congress, the second Governor of the State, and United States Senator. One of the counties named after him is an evidence of the esteem in which he was held by the people of that, then young, commonwealth. His brother John, with his bride, followed his track, and after a brief residence in Ohio, removed to Indiana, first settling near Madison, and two years later locating a farm which afterward became part of the site of Shelbyville, the county seat of Shelby county.

John Hendricks combined the pursuits of tanner and farmer, but, from his force of character, culture and commanding intellect, rather than from his occu-

pations, became the foremost citizen of the community. The frontier home built by him of hewn logs, is still standing on the "Michigan turnpike." While young Tom was a boy, his father erected a story-and-a-half brick building a little north of the site of the hewn-log structure, and Tom drove the oxen for the transportation of the necessary material. The lad led the life of a farmer's boy (for his father soon abandoned the tanning business), working in the summer and attending school in the winter.

The home influences surrounding the subject of our sketch were of that kind out of which seem to have come nearly all the great and leading men of America—a strong and intelligent father, a superior and pious mother, the presiding genius of a peaceful home, where religion had set up a revered altar and in which life was guided by a strict adherence to a code of morals almost stern in its conformation to the Presbyterian creed. Moreover, it was a home in which the light of hospitality always burned and where the door stood ajar for all comers, whether he was the Methodist circuit rider, or the man of God with cowl and crucifix, the wayfarer seeking a new home in the forest of the west, or the vagrant whose recklessness made him a suppliant for the bounty of the more prudent. It was in such a home, and surrounded by such influences, that Thomas A. Hendricks grew, developed and waxed strong in mind and body.

The lad attended the village schools for a time and then a neighbor, John Robinson, living six miles distant, having secured an Eastern instructor to prepare his own boys for college, extended the advantages to his neighbors' boys. Young "Tom" Hendricks, having developed more aptitude for study than for tilling, eagerly embraced the opportunity and continued there until the school was broken up by the sudden departure of the teacher, but the instruction there received enabled him to enter Hanover College, located on the Ohio river, near Madison, seventy miles south of Shelbyville. A Presbyterian college, it was presided over by Dr. McMasters, brother of James McMasters, now editor of the *Freeman's Journal*, New York.

Graduating from Hanover College in 1841, he began the study of law with Judge Major, of Shelbyville, but a desire to visit the East induced him to accept the advantages of instruction in the office and a membership in the family of his uncle, Judge Thomson, in Chambersburg, Pennsylvania. He returned to Indiana in 1843, with only one dollar and twenty-five cents in his pocket, one week too late for the regular fall examinations for admission to the bar, and was therefore put to the test of a special examination by the circuit judges. He was easily admitted. His early career did not differ much from a hundred other fledglings in a limited sphere, but it was noted that his diligence, upright bearing, and suavity of manner, builded early the foundations of that popularity which has been for so many years in Indiana his peculiar possession.

Four years after his admission to the bar, his political career was begun by his election to the legislature, and from that day until this he has been an active and conspicuous figure in the politics of his State. It was in 1848 that he was elected to the legislature, then only twenty-six years of age, being elected in a close contest over Captain Nathan Early, the issue being the party responsibility for the Mexican war. He served but one term, but long enough to impress the fact upon the people of the State that "a young man of great capacity and promise" had come upon the platform of affairs, and which resulted in his being chosen to the State Constitutional Convention of 1850, called to revise and amend the fundamental law of the commonwealth at a time when Indiana wanted in council her ablest and purest men.



In 1851, the year subsequent, Mr. Hendricks was nominated for Congress in the Indianapolis district and was elected. So acceptably did he serve his constituents that he was renominated and re-elected. In the autumn of 1856, much against his inclination, he was nominated for a third term, and was defeated. His defeat has been erroneously attributed to his vote in favor of Douglas's Nebraska-Kansas bill, involving the repeal of the Missouri Compromise, but, as a matter of fact, it was during a period of transition, in which occurred the disintegration of the Whig party and the uprising of the Republicans, when there was much political movement and many theories. His opponent, once a Democrat, rallied to his support Free Soilers, Abolitionists, Temperance men, Know Nothings, Whigs and everything else which was not Democratic; and in a time of political revolution he was beaten. Though he returned at once to the practice of the law, he was called again to public service, without solicitation either upon his part or that of his friends, by President Pierce, who appointed Mr. Hendricks Commissioner of the General Land Office. He administered the duties of this office for four years, earning a widespread national reputation, by reason of the ability with which he conducted the delicate and important affairs of the office.

In 1860, the Republicans nominated Henry S. Lane for Governor of Indiana; and the Democrats, casting about for their strongest name, chose that of Thomas A. Hendricks. This was another year of political revolution, and when Abraham Lincoln was elected President. Mr. Hendricks was defeated; but revolution followed upon revolution, and in 1862, while Hon. Oliver P. Morton was Governor, the Democrats obtained a majority in the Legislature. A United States Senator was to be chosen, and Thomas A. Hendricks was elected. His period of service, ending March, 1869, covered the last two years of the war and the four years of reconstruction. How nobly he stood for the application of Jeffersonian principles in these troublous times, how certain he was in his strokes of battle, and what influence for good he then exerted, are matters now the pride of Democrats wherever they are. In the resistance to the effort to remove Andrew Johnson by impeachment, Senator Hendricks played an important and able part.

At the close of his senatorial term, Senator Hendricks returned to Indiana to again enter upon his practice, bearing with him an honorable name earned in the service of his country and treasured by every Democrat in the broad land. In 1868, at the Democratic Convention in New York City, his name was presented as a candidate with eighteen others, and he, with General Hancock, led all the rest, the latter receiving on the twenty-first ballot 125½ and Senator Hendricks 132. On the twenty-second ballot Ohio suddenly presented the name of Horatio Seymour, with the result of his nomination.

In 1872 the Democratic party entered into a compact with the Liberal-Republican party and nominated Horace Greeley. Though Senator Hendricks doubted the advisability of the movement, yet he loyally followed the lead of his party, and his presence being demanded in the fore of battle in his own State, against his earnest protest he was nominated for Governor. Though Grant carried the State on the electoral ticket, Hendricks was elected by a majority of one thousand one hundred and forty-eight votes.

Two years as Governor and again Mr. Hendricks returned to private life. Two years later he passed into the most eventful period of his life. The Democratic National Convention met at St. Louis the 27th of June, 1876. On the first ballot Mr. Tilden received 403½ votes and Mr. Hendricks 133½. On the second ballot Mr. Tilden received 508 votes, and the first place being disposed of, the thoughts of the Convention turned to Governor Hendricks, and he was nominated for Vice-

President by 730 votes out of 738. The events which followed are now a matter of history. After a stoutly contested and bitter campaign, Tilden and Hendricks were elected, having a majority of the popular vote and electoral college. By a shameless conspiracy, engaged in by the Leaders of the Republican party, the people of the country were fraudulently deprived of their triumph at the polls. In this trying period Governor Hendricks bore himself with lofty patriotism, further increasing the regard felt for him.

Eight years rolled around and the representatives of Democracy in the greatest convention ever assembled, gathered together at Chicago, July 8th, 1884. There was a general demand for the old ticket of 1876. But the old chieftain, Tilden, was incapacitated by age for the leadership, and the convention selected the young champion of reform in the Empire State—Grover Cleveland, as his representative, and then, after a scene of unparalleled enthusiasm, demanded that Thomas A. Hendricks should a second time be nominated for Vice-President and a second time elected. True to his patriotic impulses he has accepted.

Governor Hendricks is a man now nearly sixty-five years old, vigorous and strong, in whom there is not an indication of decay either mentally or physically—a man of simple habits, with a graceful bearing and a manly, handsome face. Nature has endowed him with the elements of a true orator and upon the forum he is persuasive and winning, convincing and captivating. His long public career, beginning when twenty-six years of age, is studded with the evidences of his great ability, his singularly pure devotion to duty and his lofty and unswerving patriotism. He is a Democrat of the truest type and an ideal representative of American manhood.

## Public Record of Thomas A. Hendricks.

Thomas A. Hendricks was but twenty-six years old when he began his public career in the Assembly of Indiana. He was nominated for that place by the Democrats of that county. His opponent was Captain Nathan Earlywine, whom he met in joint debate. Their discussion on Flat Rock is to-day a tradition of the community. Earlywine in the debate charged the Democrats with bringing on the Mexican war, and alleged that some time before Hendricks, in a private conversation, had admitted this, but boasted that he intended to shift the responsibility from the Democrats to the Whigs. Hendricks, who was in the audience, shouted out, "You know that's a lie!" For a time it looked as if the meeting would have a sudden and violent termination, but Mr. Hendricks took the stump and justified his declaration. Hendricks was elected. In the Legislature he soon made himself conspicuous by his opposition to the extension of the State Bank's branches and by the ability with which he urged his opposition. Notwithstanding the success he met with in his first venture in public life, he refused a renomination and returned to his practice.

Two years later (1850) by the wish of all parties and without opposition, he was elected to the State Constitutional Convention, to amend the Constitution of 1816. Robert Dale Owen, Judges Pettit and Biddle, W. S. Holman, and Schuyler Colfax had seats in the same Convention. Mr. Hendricks, who was on the Banking and Judiciary Committees, won such a reputation in the debates upon the important questions arising, that without effort upon his part, he became a leading candidate for the nomination for Congress in his district. There were many other candidates for the nomination, but upon the fifty-third ballot, Mr. Hendricks was nominated, and he was elected by a majority of more than three thousand.

The first term in Congress is rarely an eventful one to a new member, yet he satisfied his constituents, and they returned him by an increased majority. During his second term Douglass' Kansas-Nebraska bill was presented, and the discussion over it greatly excited the country. Mr. Hendricks voted with the bulk of his party. It has been urged that this vote defeated him for a third term in Congress, but it is certain that in thus casting his vote, he was in entire accord with the sentiment of his constituents. The fact is that it was a time of political revolution, and Lucien Barbour, his opponent, who had been a Democrat, was supported by all the elements which opposed the Democratic party, Free Soilers, Abolitionists, Temperance men, Know Nothings, Whigs, and what not. It was a time of the Know Nothing craze. During this campaign Mr. Hendricks made a speech, which, while an honor to his convictions and his democracy, in that time of senseless opposition to naturalized citizens, contributed somewhat to his defeat. This is what he said on that occasion :

"When the Democratic administration of Jefferson came in, liberal laws were enacted, and our young Republican said to the oppressed millions of Europe :

'Come, and cheap lands shall furnish you a home; come, and the flag of the free shall wave over and protect you; come, and just laws shall make you free.' They did come, and with them came the scholar, the artist, the farmer, the mechanic and the laborer, and they brought no trouble upon our fathers but much strength, and contributed largely to the development of the country. Our fathers were then only five millions strong, but they were not afraid for their liberties or for their Protestant religion in the adoption of that policy. Since that day half a century has gone by, and our last census shows us to be a people of twenty-three millions, with a native-born white population of seventeen millions and three-quarters, and a population of foreign birth of only two millions and one-quarter. Our foreign population, animated by a common sentiment of admiration for our institutions, have abandoned the lands of their birth, and with their wives and children have settled done among us, making our fortunes their fortunes, our hopes their hopes, and our destiny their destiny. When have they refused to discharge any duty required by Government? Do they not promptly pay their taxes, diligently labor upon the highways, faithfully serve in our armies, and valiantly fight in defense of our country? It is not true that our liberties or our religion are endangered by the presence of our foreign population. Our fathers intended to secure the liberties of the citizen, that the Church and State should be separate, and that the Church should not control the State, nor the State corrupt the Church. No test can be made by law, whereby one class of men shall be promoted to office and another class deprived of office because of their religion. The Constitution prohibits it for the reason that such a thing ought not to be done."

Defeated Mr. Hendricks contentedly resumed the practice of the law, but only for a few months, for President Pierce, without solicitation upon the part of himself or anyone else, tendered him the distinguished office of Commissioner of the General Land Office. He accepted, not without hesitation, and principally in view of the fact that it would promote his knowledge of land law.

Mr. Hendricks continued in this office at the request of the succeeding secretary, Jacob Thompson, of President Buchanan's administration, and remained commissioner until 1859, when he resigned to resume his law practice. He had brought to the place vast aptitude for the discharge of its duties, and the business and organizing faculty which its proper administration required. During his term and his superintendency of the one hundred and eighty clerks employed, twenty-two thousand contested cases were settled, and over four hundred thousand patents issued. The exercise of his functions was distinguished by careful surveys, early examinations and prompt decision of titles, ready aid to settlers, a recognition of the value to the remaining governmental domain of improvements upon pre-empted sections, and the assurance to owners under Federal grants of certain and unimpeachable rights. In his general view at that early day, and before the subject had become one of such vital apprehension as it is now, he regarded with most favor the claims of small settlers, and he guarded with jealous care against the absorption of the public domain—the people's inheritance—by grasping monopolies, reckless speculators, greedy corporations, and alien land-owners.

His decisions were rarely overruled, and his services to the sections of the country opened up in the days of his administration have been cherished in grateful memory by the people who were benefited. On July 5th, 1865, Senator Hendricks, visiting St. Paul, was tendered a banquet by the Common Council and citizens of that place "in recognition of his good offices toward Minnesota as Commissioner of the General Land Office and as United States Senator." In making a journey to San Francisco in 1869, passing through Omaha, he was received with a great popular ovation, and five thousand people gathered in the evening to honor him and to listen to an oration on the state of the country, in the course of which he applied himself largely to the proper disposal of our public lands, and maintained, as he



had always held in official position, that every advantage in the disposition of them should be given to the private settler.

In 1860, the democracy of Indiana insisted that Mr. Hendricks should become the nominee of the Democratic party for Governor. Though he clearly saw that the events of the day and time preshadowed defeat, he did not hesitate to take the lead of the party. He was defeated by Henry S. Lane. The bursting of the war cloud, which had been gathered summoned Mr. Hendricks to the work in hand and he took a clean and unswerving stand in support of the Union. The democracy of Indiana met in convention January 8, 1861, Mr. Hendricks, Chairman of the Committee on Resolutions, reported that "it was the highest aim and the most imperative duty of patriotism and philanthropy to preserve the Union of the States in its integrity and maintain the Federal compact in its spirit."

Notwithstanding his clear and outspoken position, he was made the subject of bitter misrepresentations, to some of which he made reply in the following letter :

## Governor Hendricks' Views on the Rebellion.

*A letter to the Indianapolis Journal, Thursday, April 25th, 1861.*

"INDIANAPOLIS, April 24th.

"MR. EDITOR—My attention has been called to an editorial in the *Journal* this morning, in which it is stated that at a Union meeting held at Shelbyville a few evenings since a committee was appointed to wait upon me, with the request that I should speak; that, being called upon by the committee, I refused to speak, saying that I had no hand in originating the difficulty, and would have nothing to do in extricating the country from its perilous condition.

"The writer has been wholly misinformed. I never heard of the appointment of such a committee, and suppose none was appointed. No committee waited upon me with such a request. Had I been so honored, I certainly would have responded. I have never withheld my views upon any question of public interest from the people of Shelby County. Upon all occasions, when it appeared proper, I have expressed my opinions in relation to our present troubles. Since the war commenced I have uniformly said that the authority of the Government of the United States is not questioned in Indiana, and that I regarded it as the duty of the citizens of Indiana to respect and maintain that authority, and to give the Government an honest and earnest support in the prosecution of the war, until, in the providence of God, it may be brought to an honorable conclusion, and the blessings of peace restored to our country, postponing until that time all controversy in relation to the causes and responsibilities of the war. No man will feel a deeper solicitude in the welfare and proud bearing of Indiana's soldiery in the conflict of arms to which they are called than myself.

Allow me to add that in my judgment a citizen or newspaper is not serving the country well in the present crisis by attempting to give a partisan aspect to the war, or by seeking to pervert the cause of the country to party ends.

Respectfully,

THOMAS A. HENDRICKS.

In June, 1863, upon the exciting popular question of the enrollment and the draft, Hendricks made a speech to the people of Rushville, Rush County, Indiana, in which he urged the necessity of obedience to the act and to all Constitutional enactments both as a matter of duty upon the part of the citizens, and as the best means of preserving peace and order. In the course of this address he said : "Respect for legitimate authority and obedience to law has long been the cherished sentiment of the political party to which it is my pride to belong. *The dangerous doctrine that the conscience of the citizen may sit in judgment upon laws enacted in proper form, with a view to their resistance, has never been adopted by any considerable portion of the people of this State, and has at all times been bitterly opposed by the*

*Democracy.*" A better exposition of the genius of Democracy it would be difficult to find.

In the election of 1862 the Democrats obtained a majority of the Legislature on joint ballot. Early in 1863 Mr. Hendricks was elected United States senator, and the 4th of March of that year he took his seat. His reputation and his eminent public services in past years gave him a high place in the Senate at once, and he served with distinction and industry on the committees of claims, public buildings, judiciary, public lands and naval affairs.

Senator Hendricks shared Mr. Lincoln's confidence and friendship. In March, 1865, just before the assassination, Mr. Hendricks called at the White House to bid the President good-bye. To him, Lincoln said :

"I know, Hendricks, that you are a Democrat ; but you have treated my Administration fairly, and I think it is due you now to say to you that things will shortly assume a shape across the river [turning and pointing to the Potomac] when I can have a general jubilee."

During the discussions of the reconstruction era, Senator Hendricks held closely to the theory, that the existence of a State which had been in rebellion "its organization as a State, its Constitution, which was the bond of its organization, continued all the way through the war ; and when peace came, it found the State, with its Constitution and laws unrepealed, and in full force, holding that State to the Federal Union, except all laws enacted in aid of the Rebellion."

In further support of his position, Mr. Hendricks said :

"Mr. Lincoln, in most express terms, in most emphatic language, in language at the time somewhat offensive to some members of his own party, held the same doctrine ; and I call the attention of Senators to the proclamation to which I refer. In the first place, Mr. Lincoln, on the 8th of December, 1863, issued a proclamation, first, of general amnesty to those who would take a prescribed oath, and then assuring them that if the people of these States would recognize State Governments loyal in their character the Executive would respect and, under this clause of the Constitution, would guarantee those Governments. Here is his language—not calling upon Congress as the source of power for the action of the people, but appealing directly to the people independently of Congress. He says that if they will reorganize their State Governments such shall be recognized as the true Government of the State, and the State shall receive thereunder the benefits of the Constitutional provision which declares that 'the United States shall guarantee to every State in this Union a republican form of government,' " etc.

During the impeachment trial of Andrew Johnson, Benjamin Wade, then Acting Vice-President took his seat as one of the triers in the case. Senator Hendricks challenged him and forcibly stated the objections that "no man should help to take from the President his office when that man is to fill the office if the proceeding succeed." Mr. Sumner characterized the question raised as one "of much novelty," but the parliamentary phases of it occupied two days in discussion.

In 1868, Mr. Hendricks' position as a leader of the National Democracy was so undisputed that he was a leading candidate for the nomination for President at the New York National Democratic Convention, closely contesting the palm with General Hancock from the twenty-first ballot, when the General received one hundred and thirty-five and a half votes. Mr. Hendricks received one hundred and thirty-two. But in this ballot the break was made for Horatio Seymour, who was nominated.

Much against his inclination in that campaign Mr. Hendricks was nominated for Governor in Indiana and was defeated again. In 1872, however, though he had doubted the advisability of the nomination of Horace Greeley by the Democracy, he was again chosen to bear the standard of Democracy in Indiana, and this time was elected.

During his term of Governor the Legislature adjourned without completing its business. Governor Hendricks brought it back straightway. His admonition that the neglected measures required little time, and that the members not yet having left the capital had not earned mileage, brought about a prompt dispatch of the business and prevented an unnecessary prolongation of the extra session.

During the same term, December 29, 1874, at the opening exercises of the State Teachers' Association, he delivered an address full of thoughtful concern for the educational interests of the State, which always had his earnest attention.

Under his administration the debt of the State, which is now no considerable amount, was largely taken up, the credit of the Commonwealth sustained and enhanced, and its material affairs prospered. It was during this period that the financial issue threatened to divide the Democracy. As a sufficient answer to the misrepresentation which Mr. Hendricks' attitude toward this question has been subject to, there is appended here an extract from his speech in the Convention of 1878. From these sentiments he never departed, through the Indiana platforms in some degree had transcended his views and also that of the Ohio Democracy, in the campaign when he went over to help them, but he invariably steered his course consistently with these sentiments :

"We desire a return to specie payments. It is a serious evil when there are commercial mediums of different values; when one description of our money is for one class and purpose, and another for a different class and purpose. We cannot too strongly express the importance of the policy that shall restore uniformity of value to all the money of the country, so that it shall be always and readily convertible. That gold and silver are the real standard of value is a cherished Democratic sentiment not now or hereafter to be abandoned. But I do not look to any arbitrary enactment of Congress for a restoration of specie payments. Such an effort now would probably produce widespread commercial disaster. A Congressional declaration cannot make the paper currency equal to gold in value. It cannot make a bank note equal to your dollar. The business of the country alone can do that. When we find the coin of the country increasing, then we may know that we are moving in the direction of specie payments. The important financial question is, How can we increase and make permanent our supply of gold? The reliable solution is, by increasing our productions and thereby reducing our purchases, and increasing our sales abroad. He can readily obtain money who produces more than he consumes of articles that are wanted in the market, and I suppose that is also true of communities and nations."

In 1876 a great wave of reform swept over the country, and conspicuous among those who had led the van in the aggressive march and battle against corrupt methods in the administration of affairs were Governors Tilden (of New York) and Hendricks (of Indiana). The Democratic National Convention assembled at St. Louis on the 27th day of June of that year. But two candidates were really before the convention, Tilden and Hendricks. The first ballot determined the result, and Governor Tilden was nominated. After that the demand was almost unanimous for Hendricks for Vice-President, and out of 738 votes he received 730. He accepted, and in his letter of acceptance used these noble words :

"The institutions of our country have been sorely tried by the exigencies of civil war, and since the peace by a selfish and corrupt management of public affairs which have shamed us before civilized mankind. By unwise and partial legislation, every industry and interest of the people have been made to suffer; and in the executive departments of the government dishonesty, rapacity, and venality have debauched the public service. Men known to be unworthy have been promoted, while others have been degraded for fidelity to official duty. Public office has been made the means of private profit, and the country has been offended to see a class of men who boast the friendship of the sworn protectors of the State amassing fortunes by defrauding the public treasury and by corrupting the ser-



vants of the people. In such a crisis of the history of the country, I rejoice that the convention at St. Louis has so nobly raised the standard of reform. "Nothing can be well with us or with our affairs until the public conscience, shocked by the enormous evils and abuses which prevail, shall have demanded and compelled an unsparing reformation of our national Administration, 'in its head and in its members.' In such a reformation the removal of a single officer, even the President, is comparatively a trifling matter, if the system which he represents, and which has fostered him as he has fostered it, is suffered to remain. The President alone must not be made the scape-goat for the enormities of the system which infects the public service and threatens the destruction of our institutions. In some respects I hold that the present Executive has been the victim rather than the author of that vicious system. Congressional and party leaders have been stronger than the President. No one man could have created it, and the removal of no one man can amend it. It is thoroughly corrupt, and must be swept remorselessly away by the selection of a government composed of elements entirely new and pledged to radical reform."

"With the industries of the people there have been frequent interferences. Our platform truly says that many industries have been impoverished to subsidize a few. Our commerce has been degraded to an inferior position on the high seas; manufactures have been diminished; agriculture has been embarrassed; and the distress of the industrial classes demands that these things shall be reformed.

"The burdens of the people must also be lightened by a great change in our system of public expenses. The profligate expenditure which increased taxation from five dollars *per capita* in 1860 to eighteen dollars in 1870, tells its own story of our need of fiscal reform.

"Our treaties with foreign powers should also be revised and amended, in so far as they leave citizens of foreign birth in any particular less secure in any country on earth than they would be if they had been born upon our own soil; and the iniquitous coolie system, which, through the agency of wealthy companies, imports Chinese bondmen, and establishes a species of slavery, and interferes with the just rewards of labor on our Pacific coast, should be utterly abolished.

"In the reform of our civil service, I most heartily indorse that section of the platform which declares that the civil service ought not to be 'subject to change at every election,' and that it ought not to be made 'the brief reward of party zeal,' but ought to be awarded for proved competency, and held for fidelity in the public employ. I hope never again to see the cruel and remorseless proscription for political opinions which has disgraced the administration of the last eight years. Bad as the civil service now is, as all know, it has some men of tried integrity and proved ability. Such men, and such men only, should be retained in office; but no man should be retained, on any consideration, who has prostituted his office to the purposes of partisan intimidation or compulsion, or who has furnished money to corrupt the elections. This is done, and has been done, in almost every county of the land. It is a blight upon the morals of the country, and ought to be reformed.

"Of sectional contentions and in respect to our common schools I have only this to say: That in my judgment, the man or party that would involve our schools in political or sectarian controversy is an enemy to the schools. The common schools are safer under the protecting care of all the people than under the control of any party or sect. They must be neither sectarian nor partisan, and there must be neither division nor misappropriation of the funds for their support. Likewise I regard the man who would arouse or foster sectional animosities and antagonisms among his countrymen as a dangerous enemy to his country. All the people must be made to feel and know that once more there is established a purpose and policy under which all citizens of every condition, race and color will be secure in the enjoyment of whatever rights the Constitution and laws declare or recognize; and that in controversies that may arise the Government is not a partisan, but within its constitutional authority the just and powerful guardian of the rights and safety of all. The strife between the sections and between races will cease as soon as the power for evil is taken away from a party that makes political gain out of scenes of violence and bloodshed, and the constitutional authority is placed in the hands of men whose political welfare requires that peace and good order shall be preserved everywhere."



How these gentlemen were elected in the November of that year, and how they were defrauded by a shameless conspiracy upon the part of the Republican leaders and the majority of the American voters robbed of their choice for president and vice-president is familiar to all.

Eight years have passed and again Governor Hendricks is called to bear his part in the campaign, the great issue of which is whether honesty or dishonesty shall prevail in the administration of the affairs of government, and Mr. Hendricks bears aloft the banner upon which is inscribed the word honesty.

## Record of Blaine.

For the office of President of the United States the Republican party has placed in nomination James G. Blaine, "a candidate," declared by a convention of Republicans to be "an unfit leader, shown by his own words and his acknowledged acts, which are of official record, to be unworthy of respect and confidence; who has traded upon his official trust for his pecuniary gain; a representative of men, methods and conduct which the public conscience condemns, and which illustrate the very evils honest men would reform."

These grave charges, deliberately made against the Republican candidate for President by Republicans, deserve the serious consideration of all men who have the welfare of the country at heart; and to the end that an impartial investigation of Mr. Blaine's fitness or unfitness for the high trust to which he aspires may be had, a brief review is here given of Mr. Blaine's public life in Washington.

### Is He Honest?

The first requisite for a candidate for office, according to the Jeffersonian standard, is honesty. Against Mr. Blaine the charge specifically made, and by Republicans, is, that he has traded upon his official trust for his pecuniary gain. The proof is of record, and was furnished by Mr. Blaine himself in what are known as the Mulligan letters.

### The Mulligan Letters.

The story of the Mulligan letters is briefly told. They were letters written by Mr. Blaine to Mr. Fisher concerning land grant railroad stocks and bonds, and they were held, with Fisher's consent, by his bookkeeper, James Mulligan. In the spring of 1876 unpleasant rumors of Mr. Blaine's connection with certain railroad transactions were in circulation, and became at last so pressing that he thought it necessary to meet them by a personal explanation in the House of Representatives.

He made this explanation April 24. He stated in explicit terms that a charge against him had been made to this effect: "that a certain draft was negotiated at the house of Morton, Bliss & Co., in 1871, through Thomas A. Scott, then President of the Union Pacific Railroad Company, for the sum of \$64,000, and that \$75,000 of bonds of the Little Rock and Fort Smith Railroad Company were pledged as collateral; that the Union Pacific Company paid the draft and took up the collateral; that the cash proceeds of it went to me, and that I had furnished or sold or in some way conveyed or transferred to Thomas A. Scott these Little Rock and Fort Smith bonds which had been used as collateral; that the bonds had in reality belonged to me or some friend or constituent of mine for whom I was acting." Mr. Blaine then proceeded to deny this charge absolutely and entirely, declaring it to be "without one particle of foundation in fact, and without a title of evidence to substantiate it." In support of his denial he read letters from Thomas A. Scott and from Sidney Dillon, who succeeded Mr. Scott as President of

the Union Pacific Railroad. He admitted, however, that he had been the owner of bonds in the Little Rock and Fort Smith road in 1869, but declared that he had paid the full market price for them, and that he had lost over \$20,000 by the transaction. He said further that "as to the question of the propriety involved in a member of Congress holding an investment of this kind, it must be remembered that the lands were granted to the State of Arkansas and not to the railroad company, and that the company derived its life, franchise, and value wholly from the State." And later he repeated that "the Little Rock road derived all it had from the State of Arkansas and not from the Congress." He denied once more the charge against him by declaring that "the story of my receiving \$64,000 or any other sum of money, or other thing of value, from the Union Pacific Railroad Company, directly or indirectly, or in any form, for myself or for another, is absolutely disproved by the most conclusive testimony"; and closed by saying, "I have never done anything in my public career for which I could be put to the faintest blush in any presence, or for which I cannot answer to my constituents, my conscience, and the great Searcher of hearts."

April 24, 1876, Cong. Record, 1st Sess., 44th Cong., Vol. 4, pt. 3, p. 2724.

### Investigating the Matter.

On May 2, 1876, Mr. Tarbox introduced the following resolution which was agreed to:

*Whereas*, It is publicly alleged, and not denied by the officers of the Union Pacific Railroad Company, that that corporation did in the year 1871 or 1872 become the owner of certain bonds of the Little Rock and Fort Smith Railroad Company, for which bonds the said Union Pacific Railroad Company paid a consideration largely in excess of their actual or market value, and that the board of directors of said Union Pacific Railroad Company, though urged, have neglected to investigate said transaction; therefore, be it

*Resolved*, That the Committee on Judiciary be instructed to inquire if any such transaction took place, and, if so, what were the circumstances and inducements thereto, from what person or persons said bonds were obtained and upon what consideration, and whether the transaction was from corrupt design or in furtherance of any corrupt object; and that the Committee have power to send for persons and papers.

44th Cong., 1st Sess., H. R. misc. doc. 176, pt. 1, p. 2.

### Blaine Makes a Personal Explanation.

Messrs. Hunton, Ashe and Lawrence were appointed a sub-committee of the Committee on Judiciary to conduct the investigation called for by this resolution and one previously adopted directing an inquiry into the management of all the railroads that had been aided by Congress, during the progress of which Mr. Blaine rose to a personal explanation, June 5, 1876, in the course of which he read the following letters:

I.

[Private and personal.]

AUGUSTA, MAINE, August 21, 1872.

MY DEAR MR. FISHER: I have been absent so much of late that I did not receive your last letter until it was several days old. When I last wrote you, I was expecting to be in Boston on a political conference about this time, but I found it impossible to be there, and it is now impossible for me to leave here until after our election, which occurs Monday week, the 9th. I will try to meet you at the Parker House on the 10th or 11th, availing myself of the first possible moment for that purpose.

I cannot, however, allow a remark in your letter to pass without comment. You say that you have been trying to get a settlement with me for fifteen months, you have been trying to induce me to comply with certain demands which you made upon me, without taking into account any claims I have of a counter kind.

This does not fill my idea of a *settlement*, for a *settlement* must include both sides.

No person could be more anxious for a settlement than I am, and if upon our next interview we cannot reach one, why then we try other means.

But my judgment is that I shall make you so liberal an offer of settlement that you cannot possibly refuse it.

As one of the elements which I wish to take into account is the note of \$10,000 given you in 1863 for Spencer stock, I desire that you will furnish me with the items of interest on that note. My impression is that when that note was consolidated into the large note, which you still hold, that you did not charge me full interest, possibly omitting one or two years.

I will be obliged if you will give me information on this point, for I intend to submit to you a full and explicit basis of settlement, and in making it up it is necessary that I should have this information. Please send it as promptly as you may be able to give it to me.

In haste, very truly yours,

J. G. BLAINE.

WARREN FISHER, JR., Esq.

## II.

[Personal.]

AUGUSTA, MAINE, August 9, 1872.

MY DEAR MR. FISHER: On my return home yesterday I found your favor of 6th from Stonington, asking for my notes, \$6,000, on account. It seems to me that a partial settlement of our matter would only lead to future trouble, or at all events to a more postponement of our present difficulties.

I deem it highly desirable that we should have a conclusive and comprehensive settlement, and I have been eager for that these many months.

The account which you stated June 20, 1872, does not correspond precisely with the reckoning I have made of the indebtedness on the note you hold. You credit me, April 26, 1869, with \$12,500 dividend from Spencer Company; but there were two subsequent dividends, one of \$3,750, the other of \$5,800, of which no mention is made in your statement, though I received in June, 1870, your check for \$2,700 or \$2,800, which was a part of these dividends, I believe. I think my "cash memorandum" of June 25, 1869, for \$2,500, with which you charge me, represented at the time a part of the dividends; but being debited with that, I am entitled to a credit of the dividend.

In other words, as I reckon it, there are dividends amounting to \$9,550 due me, with interest since June, 1870, of which I have received only \$2,700 or \$2,800, entitling me thus to a credit of some \$7,500.

Besides the cash memorandum January 9, 1864, \$600, which with interest amounts to \$904.10, was obviously included in the consolidated note which was given to represent all my indebtedness to you, and which you repeatedly assured me would be met and liquidated in good time by Spencer dividends.

You will thus see that we differ materially as to the figures. Of course each of us is aiming at precisely the facts of the case, and if I am wrong, please correct me. I am sure that you do not desire me to pay a dollar that is not due, and I am equally sure that I am more than ready to pay every cent that I owe you.



The Little Rock matter is a perpetual and never-ending embarrassment to me. I am pressed daily almost to make final settlement with those who still hold the securities—a settlement I am not able to make until I receive the bonds due on your article of agreement with me. That is to me by far the most urgent and pressing of all the demands connected with our matters, and the one which I think, in all equity, should be first settled, or certainly settled as soon as any.

If the \$6,000 cash is so important to you, I would be glad to assist in raising the same for you on your notes, using Little Rock bonds as collateral at same rate they are used in Boston, four for one. I think I could get the money here on four or six months on these terms. If I had the money myself, I would be glad to advance it to, but I am as dry as a contribution-box, borrowing, indeed, to defray my campaign expenses.

Very sincerely yours,

J. G. BLAINE.

WARREN FISHER, JR., Esq., Boston.

### III.

AUGUSTA, MAINE, July 3, 1872.

MY DEAR MR. FISHER: I was detained far beyond my expectations in New York and Pennsylvania, being there quite a week. I was in Boston on Monday *en route* home, but I was so prostrated by the heat that I had no strength or energy to call on you.

It seems to me, as I review and recall our several conferences, that we ought not to have any trouble in coming to an easy adjustment, as follows: First, I am ready to fulfill the memorandum held by you in regard to the Northern Pacific Railroad, as I always have been; second, you are ready to consider the land-bonds in my possession as surrendered in payment of the debt to which they were originally held as collateral; third, I am ready to pay you the *full amount* of cash due you on memoranda held by you, provided you will pay me *half the amount* of bonds due me on memoranda held by me, the cash to be paid and the bonds to be delivered at the same time. As to further sale of the share in Northern Pacific Railroad, that could be determined afterward. I am ready to do all in my power to oblige you in the matter.

If we can adjust the first and second points herein referred to, the third might be left, if you desire it, to the future.

Hitherto I have made all the propositions of settlement. If this is not acceptable to you, please submit your views of a fair basis in writing.

Sincerely yours,

J. G. BLAINE.

WARREN FISHER, JR., Esq.

### IV.

WASHINGTON, April 26.

MY DEAR MR. FISHER: Yours of 24th received. There seems to be one great error of fact under which you are laboring in regard to my ability to comply with your request about the \$10,000 letter of credit. I would gladly get it for you if I were able; but I have not the means. I have no power of getting a letter of credit from Jay Cooke except by paying the money for it, *and the money I have not got*, and have no means of getting it. *You ask me to do therefore what is simply impossible.* Nothing would give me more pleasure than to serve you if I were able; but my losses in the Fort Smith affair have entirely crippled me, and deranged all my finances. You would, I know, be utterly amazed if you could see the precise

experience I have had in that matter. Very bitter, I assure you. Among other things, I still owe nearly all of the \$25,000 which I delivered to Mr. Pratt, and this is most harassing and embarrassing to me.

If you will give me the \$76,500 of bonds which I propose to throw off as payment of the notes which you say I owe you, I will gladly get your ten-thousand-dollar letter of credit; but if I release those bonds to you, as I propose, you can do the same for yourself.

I am at loss to know what you mean by your repeated phrase that "*I have denied everything.*" *What have I denied?* I do not so much as understand what you mean, and would be glad to have you explain.

You reject the name of Ward Cheney as a friendly referee. Please suggest a name yourself of some one known to both of us. I mean for you to suggest a name in case you do not accept my basis of settlement proposed in my last letter preceding this.

Yours, very truly,

J. G. BLAINE.

WARREN FISHER, JR., Esq.

When do you propose to sail for Europe?

V.

WASHINGTON, D. C., April 22, 1872.

MY DEAR MR. FISHER: Your brief note received. I do not know what you mean by my "not mentioning Northern Pacific and denying everything else."

You have my obligation to deliver to you a specified interest in Northern Pacific, which I was to purchase for you, and in which I never had a penny's interest—direct or indirect. Some months ago you wrote me (twice) declaring that you would not receive the share, but demanding the return of the money. This was impossible, and I therefore could do nothing but wait.

Nothing I could write would make my obligation plainer than the memorandum you hold. Nothing you could write would change my obligation under that memorandum.

The matters between us are all perfectly plain and simple, and I am ready to settle them all comprehensively and liberally. I am not willing to settle those that benefit you and leave to the chances of the future those that benefit me.

I am willing to forego and give up a great deal for the sake of a friendly settlement, and I retain a copy of this letter as evidence of the spirit of the offer I make. I think, if we cannot settle ourselves, a friendly reference would be the best channel, and I propose Mr. Ward Cheney, who stands nearer to you certainly than he does to me. If this name does not suit you, please suggest one yourself.

Very sincerely yours,

J. G. BLAINE.

WARREN FISHER, JR.

VI.

WASHINGTON, May 26, 1864.

MY DEAR SIR: Your favor received. I am very glad, all things considered, that the Government has accepted your proposition to take all your manufacture till first of September, 1865. It gives a straight and steady business for the company for a good stretch of time.

In regard to the tax provision you can judge for yourself, as I send herewith a copy of the bill as reported from the Finance Committee of the Senate and now pending in that body—see pages 148, 149, where I have marked. In looking over

the bill you will please observe that all words in italic letters are amendments proposed by the Senate Finance Committee, while all words included in brackets are proposed to be struck out by same committee.

The provision which you inquire about was not in the original bill, but was an amendment moved from the Ways and Means Committee by Mr. Kasson, of Iowa, to whom I suggested it. It is just and proper in every sense, and will affect a good many interests, including your company. I am glad to hear such good accounts of your progress in the affairs of the company, of which I have always been proud to be a member.

Tell Mr. Welles that his brother has been nominated by the Senate for commissary of subsistence, with rank of captain. He will undoubtedly be confirmed as soon as his case can be reached. I will advise as soon as it is done.

In haste, yours truly,

J. G. BLAINE.

WARREN FISHER, JR., Esq.

## VII.

WASHINGTON, D. C., April 18, 1872.

MY DEAR MR. FISHER: I answered you very hastily last evening, as you said you wished an immediate reply; and perhaps in my hurry I did not make myself fully understood.

You have been for some time laboring under a totally erroneous impression in regard to my results in the Fort Smith matter. The sales of bonds which you spoke of my making, and which you seem to have thought were for my own benefit, were entirely otherwise. I did not have the money in my possession forty-eight hours, but paid it over directly to the parties whom I tried, by every means in my power to protect from loss. I am very sure that you have little idea of the labors, the losses, the efforts, and the sacrifices I have made within the past year to save those innocent persons, who invested on my request, from personal loss.

And I say to you to-night, solemnly, that I am immeasurably worse off than if I had never touched the Fort Smith matter.

The demand you make upon me now is one which I am entirely unable to comply with. *I cannot do it. It is not in my power.* You say that "necessity knows no law." That applies to me as well as to you, and when I have reached the point I am now at, I simply fall back on that law. You are as well aware as I am that the bonds are due me under the contract. Could I have these I could adjust many matters not now in my power, and so long as this and other matters remain unadjusted between us, I do not recognize the equity or the lawfulness of your calling on me for a partial settlement. I am ready at any moment to make a full, fair, comprehensive settlement with you on the most liberal terms. I will not be exacting or captious or critical, but am ready and eager to make a broad and generous adjustment with you, and if we can't agree ourselves, we can select a mutual friend who can easily compromise all points of difference between us.

You will, I trust, see that I am disposed to meet you in a spirit of friendly cordiality, and yet with a sense of self-defense that impels me to be frank and expose to you my pecuniary weakness.

With very kind regards to Mrs. Fisher, I am, yours truly,

J. G. BLAINE.

W. FISHER, JR., Esq.

## • VIII.

[Personal.]

AUGUSTA, MAINE, October 4, 1869.

MY DEAR SIR: I spoke to you a short time ago about a point of interest to your railroad company that occurred at the last session of Congress.

It was on the last night of the session when the bill renewing the land grant to the State of Arkansas for the Little Rock road was reached, and Julian, of Indiana, Chairman of the Public Lands Committee, and, by right, entitled to the floor, attempted to put on the bill, as an amendment, the Fremont El Paso scheme,—a scheme probably well known to Mr. Caldwell. The House was thin, and the lobby in the Fremont interest had the thing all set up, and Julian's amendment was likely to prevail if brought to a vote. Roots and the other members from Arkansas, who were doing their best for their own bill (to which there seemed to be no objection), were in despair, for it was well known that the Senate was hostile to the Fremont scheme, and if the Arkansas bill had gone back to the Senate with Julian's amendment, the whole thing would have gone on the table and slept the sleep of death.

In this dilemma Roots came over to me to know what on earth he could do under the rules; for he said it was vital to his constituents that the bill should pass. I told him that Julian's amendment was entirely out of order, because not germane; but he had not sufficient confidence in his knowledge of the rules to make the point, but he said General Logan was opposed to the Fremont scheme, and would probably make the point. I sent my page to General Logan with the suggestion, and he at once made the point. I could not do otherwise than sustain it; and so the bill was freed from the mischievous amendment moved by Julian, and at once passed without objection.

At that time I had never seen Mr. Caldwell, but you can tell him that, without knowing it, I did him a great favor.

Sincerely yours,

J. G. BLAINE.

W. FISHER, JR., Esq., 24 India Street, Boston.

## • IX.

AUGUSTA, October 4, 1869.

MY DEAR MR. FISHER: Find inclosed contracts of the parties named in my letter of yesterday. The remaining contracts will be completed as rapidly as circumstances will permit.

I enclose you a part of the Congressional Globe of April 9, containing the point to which I referred at some length in my previous letter of to-day. You will find it of interest to read it over and see what a narrow escape your bill made on that last night of the session. Of course it was my plain duty to make the ruling when the point was once raised. If the Arkansas men had not, however, happened to come to me when at their wits' end and in despair, the bill would undoubtedly have been lost, or at least postponed for a year. I thought the point would interest both you and Caldwell, though occurring before either of you engaged in the enterprise.

I beg you to understand that I thoroughly appreciate the courtesy with which you have treated me in this railroad matter; but your conduct towards me in business matters has always been marked by unbounded liberality in past years,



and, of course, I have naturally come to expect the same of you now. You urge me to make as much as I fairly can out of the arrangement into which we have entered. It is natural that I should do my utmost to this end. I am bothered only by one thing, and that is definite and expressed arrangement with Mr. Caldwell. I am anxious to acquire the interest he has promised me, but I do not get a definite understanding with him as I have with you.

I shall be in Boston in a few days, and shall then have an opportunity to talk the matter over fully with you. I am disposed to think that whatever I do with Mr. Caldwell must really be done through you.

Kind regards to Mrs. Fisher.

Sincerely,

J. G. BLAINE.

W. F., Jr., Esq.

## X.

AUGUSTA, MAINE, July 2, 1869.

MY DEAR MR. FISHER: You ask me if I am satisfied with the offer you make me of a share in your new railroad enterprise.

Of course I am more than satisfied with the terms of the offer. I think it a most liberal proposition.

If I hesitate at all, it is from considerations no way connected with the character of the offer. Your liberal mode of dealing with me in all our business transactions of the past eight years has not passed without my full appreciation. What I wrote you on the 29th was intended to bring Caldwell to a definite proposition. That was all.

I go to Boston by same train that carries this letter, and will call at your office to-morrow at twelve M. If you don't happen to be in, no matter. Don't put yourself to any trouble about it.

Yours,

W. FISHER, Jr.

J. G. B.

## XI.

AUGUSTA, June 29, 1869.

MY DEAR MR. FISHER: I thank you for the article from Mr. Lewis. It is good in itself and will do good. He writes like a man of large intelligence and comprehension.

Your offer to admit me to a participation in the new railroad enterprise is in every respect as generous as I could expect or desire. I thank you very sincerely for it, and in this connection I wish to make a suggestion of a somewhat selfish character. It is this: You spoke of Mr. Caldwell disposing of a share of his interest to me. If he really designs to do so, I wish he would make the proposition definite, so that I could know just what to depend on. Perhaps if he waits till the full development of the enterprise he might grow reluctant to part with the share; and I do not by this mean any distrust of him.

I do not feel that I shall prove a dead-head in the enterprise if I once embark in it. I see various channels in which I know I can be useful.

Very hastily and sincerely, your friend,

J. G. BLAINE.

Mr. FISHER,  
India street, Boston.

## XII.

WASHINGTON, May 14, 1870.

MY DEAR MR. FISHER : I think, on the whole, I had better not insist on the \$40,000 additional bonds at same rate. My engagement was not *absolute*, and I can back out of it with honor. I would rather do this than seem to be exacting or indelicate.

Besides, I have always felt that Mr. Caldwell manifested the most gentlemanly spirit toward me, and designed to treat me handsomely in the end. On the whole, therefore, I shall be better off perhaps to let things remain as they are. But I will follow your judgment in this matter if I can find what it is.

Very hastily,

J. G. BLAINE.

W. FISHER, Esq.

## XIII.

AUGUSTA, October 1, 1871.

MY DEAR MR. FISHER : I am doing all in my power to expedite and hasten the delivery of that stock. The delay has been occasioned by circumstances wholly beyond my control. But I shall reach a conclusion within a few days and make the formal delivery then. It will be an immense relief to get it off my hands, I assure you ; far greater than it will be for you to receive it.

You must have strangely misunderstood Mr. Caldwell in regard to his paying those notes. He has paid me in all just \$6,000, leaving \$19,000 due, which I am carrying here at 8 and 8½ per cent. interest, and which embarrasses me beyond all imagination. I do not really know which way to turn for relief, I am so pressed and hampered. The Little Rock and Fort Smith matter has been a sore experience to me, and if you and Mr. Caldwell between you cannot pay me the \$19,000 of borrowed money, I don't know what I shall do. Politically I am charged with being a wealthy man. Personally and pecuniarily I am laboring under the most fearful embarrassments, and the greatest of all these embarrassments is the \$19,000 which I handed over under your orders, and not one dollar of which I have received. Of the \$25,000 original debt, Mr. Caldwell has paid \$6,000, and \$6,000 only. Can you not give me some hope of relief in this matter ? It is cruel beyond measure to leave me so exposed and so suffering.

You know my profound regard for you and my faith in you. We have been friends too long and too intimately to allow a shade between us now.

Yours truly,

J. G. BLAINE.

## XIV

AUGUSTA, MAINE, October 4, 1871.

MY DEAR MR. FISHER : You must have strangely misunderstood Mr. Caldwell's statement in regard to his paying me all but \$2,500 of the \$25,000 borrowed money which I loaned the company through him and you last January. Mr. Caldwell paid me in June \$3,500, and in July \$2,500 more, accepting at same time a draft for \$2,500, July 10, ten days, which draft remains unpaid. I have, therefore, received but \$6,000 from Mr. Caldwell, leaving \$19,000 (besides interest) due me to-day.

For this \$19,000 I am individually held, and, considering all the circumstances, I think you and Mr. Caldwell should regard it as an honorary debt, and you should not allow me to suffer for money which I raised under the peculiar circumstances

attending this. It is a singularly hard and oppressive case, the features and facts of which are familiar to you and Mr. Caldwell.

And then, again, I have been used with positive cruelty in regard to the bonds.

I have your positive written contract to deliver me \$125,000 land bonds and \$32,500 first-mortgage bonds. The money due you on the contract was all paid nearly a year and a half ago. Of this whole amount of bonds due me I have received but \$50,000 land grants, leaving \$75,000 of those and \$32,500 first-mortgage still due. I know you are pressed and in trouble, and I don't wish to be too exacting; rather I wish to be very liberal in settlement.

Now, I make this offer: Pay me the cash due on the borrowed money account; call it \$19,000 in round numbers, and \$40,000 land bonds, and we will call it square.

Mr. Caldwell has repeatedly assured me that I should be paid all the bonds due me under contracts with you, and outside of that \$20,000 due me from him. I now voluntarily offer to make a very large reduction if I can have the matter closed.

I am without doubt the only person who has paid money for bonds without receiving them, and I think you will agree with me that I have fared pretty roughly. It would be an immense, immeasurable relief to me if I could receive the money in time to pay off the indebtedness here within the next six weeks, so that I can go to Washington this winter with the load taken off my shoulders. It was placed there in the fullest faith and confidence that you and Mr. Caldwell would not let me suffer. I still cling to that faith and confidence. You will much oblige me by showing this letter to Mr. Caldwell.

Yours, very truly,

J. G. BLAINE.

W. FISHER, Jr., Esq., Boston.

## XV.

WASHINGTON, D. C., April 13, 1872.

MY DEAR MR. FISHER: I have your favor of the 12th. I am not prepared to pay any money just now in any direction, being so cramped and pressed that I am absolutely unable to do so. Please send me a copy of the notes of mine held by you with indorsed payments thereon.

I would have been glad, instead of a demand upon me for payment of notes, if you had proposed a general settlement of all matters between us that remain unadjusted. There is still due to me on articles of agreement between us \$70,000 in land bonds, and \$31,000 in first-mortgage bonds, making \$101,000 in all. For these bonds the money was paid you nearly three years ago, and every other party agreeing to take bonds on same basis has long since received its full quota. I alone am left hopeless and helpless, so far as I can see. Then there is the \$25,000 which I borrowed and paid over, under your orders, to Mr. Pratt, for which I have received no pay. Mr. Caldwell paid me a small fraction of the amount as I supposed, but he now says the money he paid me must be credited to another account on which he was my debtor, and that he denies all responsibility, past, present, and future, on the \$25,000, for the payment of which I must, he says, look solely to you. I only know that I delivered the money to Mr. Pratt on your written order. I still owe the money in Maine, and am carrying the greater part of it at 8 per cent.—nearly \$2,000 per annum steady draw on my resources, which are slender enough without this burden.

Still further, I left with Mr. Mulliken, January, 1871, \$6,000 in land-grant bonds Union Pacific Railroad, to be exchanged for a like amount of Little Rock land bonds *with Mr. Caldwell*, he to change back when I desire. Mr. Caldwell declined to take them, and you took them without any negotiation with me or any authority from me in regard to the matter. You placed the Little Rock land bonds in the envelope, and I have the original envelope with Mr. Mulliken's indorsement thereon of the fact of the delivery to you. Now, I do not complain of your taking the bonds, provided you hold yourself bound to replace them. The worst of the whole matter was that the bonds were only a part mine, and I have had to make good the others to the original owner.

There are other matters to which I would refer; but my letter is already long.

I do not think, under the circumstances, it would be quite wise or kind in you to place any note or notes of mine that may happen to be in your possession in the hands of third parties as collateral.

In any event I ask as a simple favor that you will not do so, and that you will send me by return mail a copy of all obligations of mine in your possession.

Mrs. Blaine joins me in very kind regards to Mrs. Fisher, and in the expression of the hope that you may have a pleasant and profitable tour in Europe.

Sincerely yours,

WARREN FISHER, JR., Esq.

J. G. BLAINE.

In response to the request of Mr. Glover, Mr. Blaine sent to the Clerk's desk to be read the memorandum of Mr. Mulligan, containing a brief statement of the contents of each letter. It will be noticed that the letters read by Mr. Blaine were not in the order stated in Mr. Mulligan's memorandum. They have been printed here in the order in which they were read by Mr. Blaine.

The Clerk read as follows :

No. 1. October 4, '69, relating to debate in the House and Blaine's ruling, and favors he was to receive from C. for pressing bill extending time on first twenty miles.

MR. BLAINE—That is what Mr. Mulligan puts down as the substance of the letters.

The Clerk continued the reading as follows :

No. 2. October 4, '69, on same subject.

No. 3. June 27, '69, thanking Fisher for admitting him to participation in L. & P. R. R., and urging him to make call; say how much he would give him, and for what. He knew he would be no dead head, but would render valuable assistance.

No. 4. July 25, '69, on the same subject.

No. 5. September 5, '69, contract with different parties.

No. 6. Contract with Northern Pacific.

No. 7. May 14, '70, Caldwell designs to treat him handsomely in the end.

No. 8. October 24, '71, Fisher to Blaine, urging settlement of N. P. R. account, \$25,000.

MR. BLAINE—There was no such letter in the package. The letter he speaks of seems to have been a letter from Mr. Fisher to myself. There was no such letter in the package; and the numbers he gives do not call for it. There are fifteen letters and three pieces of paper. At any rate that was not a letter from me.

The Clerk continued the reading as follows :

No. 9. October 4, '71, Blaine admits that there was \$6,000 paid on the \$25,000 loan and to have received \$50,000 from Fisher.



No. 10. October 1, '71, admits being paid \$6,000 on account of loan.

Mr. Blaine sold sundry parties \$125,000 in first mortgage bonds, and common stock \$125,000, preferred stock \$125,000; for which was paid by them \$125,000 cash; and Mr. Blaine was to receive for his share of the transaction \$125,000 in land-grant bonds, and \$32,500 in first-mortgage bonds. Total, \$157,500.

Now, calling land and first mortgage bonds equal in value, and stock valueless for \$125,000 plus \$157,000 equals \$282,000 bonds; cash \$25,000 equals  $44\frac{23}{113}$  per cent.

Mr. Blaine also sold sundry parties \$63,000 bonds and \$56,000 stock for cash \$43,150.

\$15,150 less cash paid Mr. Blaine for his share in the transaction.

\$28,000 net cash received by Mr. Fisher for the above \$63,000 bonds and \$56,000 stock, equal  $44\frac{23}{113}$  per cent. for the bonds, calling stock nothing.

Mr. Blaine in final settlement, September 21, 1872, claimed only \$101,000 bonds due December letter (December 3, '72); he previously received \$61,000, and was to look to Caldwell for balance.

Sept. 21, '72, received \$40,000.

No. 11. Apl. 13, 1872, saying there was \$101,000 bonds due him, and claiming that there was due him on Union Pacific bonds exchanged \$6,000, and admitting that there were some of them his own.

No. 12. Apl. 18, 1872, admits the \$64,000 sale bonds, and paid the money over in forty-eight hours to Maine parties.

No. 13. Aug. 9, '72, as dry financially as a contribution-box, and borrowing money to defray his campaign expenses.

No. 14. Aug. 31, '72, about settlement.

No. 15. May 26, '64, says he was a partner in the Spencer Rifle Co.

The following papers were printed with Mr. Blaine's speech :

*Foot-note*—Papers I, J, and K, found with the letters surrendered by Mulligan, are hereto appended. The papers relating to the Northern Pacific road are not remembered by Mr. Blaine, the handwriting is not known to him, and he can recall no connection with them in any respect. They are, however, quite unimportant.

#### I.

Cost of $\frac{1}{2}$ of 1 share, \$466,667, is.....	\$58,333
$\frac{1}{2}$ of \$416,667, to receive in bonds, is at par \$52,083,	
at 90c., would be.....	46,875
	<hr/>
	\$11,458

for which you will get  $\frac{1}{2}$  of 541,234 stock, which is \$67,654; and when the road is finished you will get  $\frac{1}{2}$  of 3,416,708, which is 427,088 in stock, besides your interest in the Land Company, which is proportionate. Bonds at par would make the above amount of stock cost about \$6,250,

#### J.

Whereas, under certain agreements with the Northern Pacific Railroad Company, dated May 20, 1869, and January 1, 1870, Messrs. Jay Cooke & Co. have become fiscal agents for the negotiations of the securities of said company upon the terms therein stated; and whereas, under said agreements, Jay Cooke & Co. become possessed of twelve of the twenty-four interests constituting the company and representing its franchises; and whereas, Jay Cooke & Co., for the purpose of furnishing funds under their agreements as fiscal agents, for the construction and equipment of the road from its intersection with the Lake Superior and Mississippi Railroad to the Red River, near the mouth of the Cheyenne, a distance of about two hundred and twenty-five miles, forming a complete road from Lake Superior to the Red River, have offered to the subscribers, for the first five millions of dollars of the first-mortgage bonds of the company, the following terms, namely :

The subscribers to purchase of Jay Cooke & Co. the said bonds bearing 7.3 gold interest at par, \$5,000,000, and twelve interests in the company at \$50,000 each, \$600,000, amounting in all to \$5,600,000; or, say twelve shares of \$466,667 each,

to be paid for in installments extending through about fifteen months, as the funds may be required by the company, for which each share shall receive as follows :

Bonds, one-twelfth of \$5,000,000.....		\$416,667
Preliminary issue of stock.....	\$93,400	
Twenty per cent. stock commissions on bonds....	83,334	
	<hr/>	476,734

and \$40,500 stock upon completion of each section of twenty-five miles of the road.

Thus, upon completion to Red river, estimating the distance at two hundred and twenty-five miles (nine sections of twenty five miles each), each share will have received nine times \$40,500, equal to \$364,500, in addition to previously stated \$176,734, say \$541,234 stock ; and this proportionate issue continuing with the progress of the road, upon completion to the Pacific each share will have received in all \$416,667 bonds and \$3,416,708 stock (the fractions in all cases being adjusted in even figures), and the entire five millions of bonds will thus carry with them a total of \$41,000,500 stock.

It is designed in addition to organize a private land company for the purchase and sale of desirable town sites and other valuable lands, from which large profits are anticipated ; the interests in such company to be held in the same proportion with the subscriptions to the present agreement, and the funds required to be assessed correspondingly from time to time, of course, with the consent of the parties.

Upon the foregoing terms, we, the undersigned, subscribe the shares and portions of shares set opposite our names, to be paid for in installments as called, the bonds to carry interest from date of payments.

It is also hereby agreed by the subscribers, whose names are hereby annexed, that they will leave with Jay Cooke & Co. their proxies on all stock acquired under the terms of this agreement, and that they will not dispose of any of the first mortgage bonds subscribed for, unless with the consent of said Jay Cooke & Co., or until such sales shall cease to interfere with the plans of the fiscal agents, for providing of necessary funds for the completion and equipment of the whole line of road.

K.

Boston, September 5, 1869.

Whereas I have, this day, entered into agreements with A. & P. Coburn, and sundry other parties resident in Maine, to deliver to them certain specified amounts of the common stock, preferred stock, and first-mortgage bonds of the Little Rock and Fort Smith Railroad Company, upon said parties paying to me the aggregate sum of \$130,000, which several agreements are witnessed by J. G. Blaine and delivered to said parties by said Blaine.

Now this agreement witnesses, that upon the due fulfilment of the several contracts referred to, by the payment of the \$130,000, and for other valuable considerations, the receipt of which is acknowledged, I hereby agree to deliver to J. G. Blaine, or order, as the same come into my hands as assignee of the contract for building the Little Rock & Fort Smith Railroad, the following securities, namely: Of the land bonds, 7 per cents., \$130,000 ; of the first-mortgage bonds, gold, sixes, \$32,500. And these \$130,000 of land bonds and \$32,500 of first-mortgage bonds thus agreed to be delivered to said Blaine are over and above the securities agreed to be delivered by Warren Fisher, Jr., assignee, to the parties making the contracts, which parties, with the several amounts to be paid by each, and the securities to be received by each, are named in a memorandum on the next page of this sheet.

And it is further agreed that in the event of any one of said parties failing to pay the amount stipulated, then the amount of securities to be delivered to said Blaine under this agreement shall be reduced in the same proportion that the deficit of payment bears to the aggregate amount agreed to be paid.

WARREN FISHER, JR., Assignee.

Witness :

ALVAN R. FLANDERS.

[Stamp.]

*Parties Contracting with Warren, Fisher, Jr., Assignee, as Referred to in preceeding Agreement.*

	TO PAY	TO RECEIVE		
	Cash.	Common stock.	Preferred stock.	First-mortgage bonds.
1. A. & P. Coburn.....	\$50,000	\$50,000	\$50,000	\$50,000
2. Peter F. Sanborn.....	10,000	10,000	10,000	10,000
3. Anson P. Morrill.....	10,000	10,000	10,000	10,000
4. Ralph C. Johnson.....	10,000	10,000	10,000	10,000
5. P. R. Hazeltine .....	5,000	5,000	5,000	5,000
6. C. B. Hazeltine.....	5,000	5,000	5,000	5,000
7. N. P. Monroe.....	5,000	5,000	5,000	5,000
8. A. W. Johnson.....	5,000	5,000	5,000	5,000
9. H. H. Johnson.....	5,000	5,000	5,000	5,000
10. Philo Hersey.....	5,000	5,000	5,000	5,000
11. Lot M. Morrill.....	5,000	5,000	5,000	5,000
12. A. B. Farwell.....	5,000	5,000	5,000	5,000
13. Joseph H. Williams.....	5,000	5,000	5,000	5,000
14. Charles M. Bailey.....	5,000	5,000	5,000	5,000
	<hr/> \$130,000	<hr/> \$130,000	<hr/> \$130,000	<hr/> \$130,000

In addition to the above, there are to be delivered to J. G. Blaine's order of the land bonds in 7s., currency, \$130,000; first-mortgage bonds, 6s., gold, \$32,500.

Cong. Record 1st Sess. 44th Cong., Vol. 4, pt. 4, pp. 3602-3603, 3604-3605, 3606, 3607, 3608 3609, *et seq.*

It will be noted by the reader that Mr. Blaine in presenting these letters did not present them in the order of their dates, but purposely juggled them so as to confuse the judgment and to prevent his hearers gathering their full purport.

## How Blaine Obtained the Letters.

Mr. Fisher was the contractor for a portion of L. R. & F. S. R. R., and was also in business in Boston as partners with a brother-in-law of Mr. Blaine. Mr. Mulligan was cashier of the Adams' Sugar Refinery, Boston, in which Mr. Fisher was a partner, and was also bookkeeper for Mr. Fisher. Mr. Mulligan had in his possession by Mr. Fisher's consent (see testimony of Mr. Fisher, Misc. Doc. 176, page 118), certain letters written in 1864-72 by Mr. Blaine to Mr. Fisher, and which Mr. Blaine supposed to have been given back to him in Sept. 1872. (Testimony of Mr. Blaine, Misc. Doc., 176, page 107.)

When Mr. Mulligan reached Washington and before he testified, Mr. Blaine sent to ask Mr. Mulligan to call upon him, which the latter declined to do, whereupon Mr. Blaine called upon Mr. Mulligan at the Riggs House, and found him in the barber shop. The next day (May 31), Mr. Mulligan was sworn and examined as a witness (Misc. Doc., 176, page 92). He mentioned but did not exhibit any letters. What then occurred was stated by Mr. Hunton in his remarks in the House, as follows:

In the course of his examination the first day Mr. Mulligan was testifying very quietly; there was no excitement in the committee room at all when he happened to mention that he had in his possession certain letters written by Mr. Blaine to Warren Fisher, Jr. The mention of these letters seemed to have a remarkable effect upon Mr. Blaine, for in a moment or two afterward he whispered to Mr.

Lawrence, the Republican member of that committee, "Move an adjournment." It so happened that I heard the suggestion. Mr. Lawrence got up with great solemnity on his countenance and said, "Mr. Chairman, I am very sick and I hope the committee will adjourn." [Laughter.]

Mr. LAWRENCE rose.

Mr. HUNTON—I hope the gentleman is better to-day.

Mr. LAWRENCE—Will my colleague on the committee allow me to ask a question or make a statement?

Mr. HUNTON—Certainly.

Mr. LAWRENCE—I will ask my colleague whether, when I went into the committee-room on that morning, the first thing I said to him before I had spoken to anybody else, was not that I had been exceedingly sick during the night? [Laughter.] I had been to Baltimore on the day before; and though I had not indulged in anything that would necessarily make me sick, yet I was extremely sick, so much so that it was with difficulty I sat there at all. I said simply what was true when I said that I was extremely unwell; and as the gentleman knows I have been quite unwell ever since. [Laughter.]

Mr. FRYE—What time was it when it was proposed to adjourn?

Mr. LAWRENCE—It was then half-past twelve o'clock, half an hour beyond the time when the committee usually adjourns to attend the sittings of the House. Now, my friend says that he heard the remark of Mr. Blaine asking me to move to adjourn. It was not necessary that I should state what Mr. Blaine had said to me.

Mr. HUNTON—Nobody asked you to do so.

Mr. LAWRENCE—The gentleman says he heard it; but it was not necessary that I should state every ground for asking the adjournment.

Mr. HUNTON—Certainly not.

Mr. LAWRENCE—It was sufficient that I deemed it necessary to ask an adjournment. [Laughter.]

Mr. HUNTON—The gentleman has stated the matter exactly as it occurred. He did come in in the morning sick.

Mr. LAWRENCE—Yes, sir.

Mr. HUNTON—But he went to work in a most vigorous style for two hours.

Mr. LAWRENCE—But I became exhausted.

Mr. HUNTON—When those letters were mentioned the gentleman became sick, and somebody else sicker. [Laughter.] And the motion to adjourn was made at his suggestion.

Mr. LAWRENCE—It ought to be said in justice to Mr. Blaine that so far as anything said by him to me could indicate his purpose, the motion to adjourn suggested by him was not caused by any fear of what was going on.

Thereupon the committee adjourned until ten o'clock the next morning; and when the committee met James Mulligan was put upon the stand again to complete his examination which had been interrupted by the adjournment.

### Mr. Mulligan makes a Personal Explanation.

Mr. Mulligan said, June 1 (Mis. Doc. 176, pt. 1, p. 98):

I wish to ask the indulgence of the Committee for a few moments to make a personal, and to me, a painful statement. When I first arrived in this city, and within about fifteen minutes after my arrival, there came a communication from Mr. Blaine to Mr. Fisher. Of course, I wish it understood that I am stating this under oath.

Mr. HUNTON—We so understand it.

Mr. MULLIGAN—There came a communication from Mr. Blaine, inviting Fisher and me up to his residence. I declined to go, for the reason that I did not want to have it said that I had gone to see Mr. Blaine. I wanted to come to this committee-room untrammelled by any influence. Mr. Fisher went up to Mr. Blaine's house, or at least, he so reported to me; and he told Mr. Blaine about certain facts that I could prove, and certain letters that I had got. Mr. Blaine said that if I should publish them they would ruin him for life, or that if this committee got hold of them they would ruin him for life, and wanted to know if I would not surrender them. I told him "no," and that I would not give them to the committee unless it should turn out that it was necessary for me to produce them. After my examination here yesterday,



Mr. Blaine came up to the hotel, the Riggs House, and there had a conference with Mr. Atkins, Mr. Fisher, and myself. He wanted to see these letters that I had. I declined to let him see them. He prayed, almost went on his knees—I would say, on his knees—and implored me to think of his six children and his wife, and that if the committee should get hold of this communication it would sink him immediately and ruin him forever. I told him I should not give them to him. He asked me if I would let him read them. I said I would if he would promise me on the word of a gentleman that he would return them to me. I did let him read them over. He read them over once and called for them again and read them over again. He still importuned me to give those papers up. I declined to do it. I retired to my own room and he followed me up, and went over the same history about his family and his children, and implored me to give them up to him, and even contemplated suicide. He asked me if I wanted to see his children left in that state, and he then asked me again if I would not let him look over these papers consecutively (I had them numbered). I told him I would if he would return them to me. He took the papers, read them all over, and among them I had a memorandum that I had made by way of synopsis of the letters, and referring to the numbers of the letters—a synopsis containing the point of the letters. I had made that memorandum so as to be able to refer to here when questioned. He asked me to let him read the letters and I showed him this statement too. After he had them read, he asked me what I wanted to do with those papers; if I wanted to use them. I told him I never wanted to use the papers, nor would not show them to the committee unless called upon to do so. Then he asked me if I would not give them to him. There was one letter in particular that he wanted me to give him. I told him I would not do it, and the only reason I would not do it was because I saw it stated in one of the evening papers here, the *Star*, I think, that the Blaine party were going to completely break down the testimony that I had given yesterday—that they were satisfied about that. I said I should not publish these letters unless my testimony were impeached or impugned. That was the only reason that I wanted to keep them, but I wanted to keep them for that purpose. These are the facts, gentlemen, and I leave them to you. If I understand the order under which the committee meets, this committee has power to send for persons and papers, and I want the committee to get for me those papers. Mr. Blaine has got them, and would not give them up to me.

By Mr. LAWRENCE—Mr. Blaine has these papers? A. Yes; he took them from me last night.

To Mr. LAWRENCE—No one was present but Mr. Blaine and I. \* \* I did not get them (the letters) surreptitiously. They were given to me by Mr. Fisher for any purpose I deemed proper.

To Mr. ASHE—Mr. Blaine has the memorandum.

### Blaine Offers Mulligan a Consulship.

The examination of Mr. Mulligan was continued at some length. He stated that Mr. Blaine asked him if he would not like a consulship. Mr. Blaine, though present, did not ask the witness any questions about the way in which he had lost possession of the letters. On the same day Mr. Blaine made a statement to the Committee, under oath, admitting that he had received the letters from Mr. Mulligan on his promise to return them, and that he had returned them once; that later he secured them again and refused to restore them, assigning as his reason that Mr. Mulligan threatened to publish them if his testimony were impeached or impugned. [Mis. Doc. 176. pt. 1, p. 106.]

The Chairman (Mr. Hunton) asked of Mr. Blaine the production of the letters obtained from Mr. Mulligan. This Mr. Blaine declined to do; he declined, also, to produce, in answer to the request of the Chairman, the memorandum made by Mr. Mulligan of the contents of the letters (Mis. Doc. 176, pt. 1, p. 108). This was June 1. June 5, Mr. Blaine read in the House the letters above given, and which he described as every "scrap and scrimption" of what he had got from

Mulligan. June 10, Mr. Hunton again, on behalf of the Committee, requested the production of the letters and accompanying memorandum, and Mr. Blaine again refused. It was about this time Mr. Blaine had his timely sunstroke. The Committee held no further sessions.

From the testimony, it appears that Mr. Blaine, at the beginning of the investigation, did not know the letters were in the possession of Mr. Mulligan; that when the latter stated to the Committee that he had certain letters of Mr. Blaine's to Mr. Fisher, Mr. Blaine turned to the Republican member of the Committee, Mr. Lawrence, and entreated him to have the Committee adjourn; that the Committee did adjourn, and that Mr. Blaine visited Mr. Mulligan the same evening at his hotel, and begged him to give him the letters, and that his entreaty failing, he obtained possession of them by fraud, and refused to produce them when called upon by the Committee to do so. Whether all the contents of these letters were read by Mr. Blaine in the House or not, cannot be known, but it is certain that he refused to produce them where he could be examined under oath as to their contents. They were not read by him in chronological order, and although these letters have been published in newspapers in every State in the Union, and made the evidence for the charge of corruption in office, it is not recorded that the Plumed Knight, so prompt to fly to the defense of his honor, has ever instituted a suit for libel against any of the newspapers that have charged him with trading upon his official trust for his pecuniary gain; nor did he, while Senator, ask an investigation to demonstrate his innocence. To the grand inquest of the American people the evidence of his guilt is submitted, and their sober judgment may confidently be relied upon to punish wrong and uphold the right.

## Statement Concerning the Little Rock and Fort Smith Railroad Transactions, Arranged Chronologically.

### AUTHORITIES.

Mr. Blaine's speeches and letters; the "Congressional Globe" and "Record;" evidence taken before the Judiciary Committee of the House of Representatives, 44th Cong., 1st Sess. H. R. Mis. Doc. 176, pt. 1.

### EVIDENCE.

A charter had been granted for a railroad from Little Rock to Fort Smith in 1853, which had lapsed.

July 28, 1866, the charter was renewed with some additions. (See "Cong. Globe," 1st Sess. 39th Cong., appendix p., 422, and Laws of the U. S., Chap. CCC, for full text of this act.)

In 1869 this charter was in danger of lapsing, as the first twenty miles, required to be built within three years from the date of the act, were not completed.

April 8, 1869, a bill to extend the time for the Little Rock and Fort Smith Railroad Company to complete the first section of twenty miles of said road was before the House, Mr. Blaine, Speaker, in the chair. Mr. Julian offered an amendment to the bill granting certain privileges to the Memphis, El Paso and Pacific Railroad. Whereupon Mr. Logan said:

MR. LOGAN—I rise to a question of order, that this amendment is not germane to the pending bill. The bill is to revive a certain land grant and to extend the time, while the amendment is another charter for a Pacific Railroad, authorizing the building of bridges, granting the right of way and everything else of the sort. I have been in favor of the pending Arkansas bill, but I do not wish to be made to carry this Pacific Railroad bill. I do not think the amendment is in order.

THE SPEAKER—The Chair sustains the point of order for two reasons. It is expressly prohibited by the rule that where a land grant is under consideration another grant to a different company shall be entertained. This is not a specific land grant, but it does give away the public land of the United States so far as to give the right of way. Again, by the rules, no proposition upon a subject different from that under consideration can be admitted under color of amendment.

Compare letter of October 4, 1869, No. VIII., wherein Mr. Blaine states that he sent his page to Mr. Logan with the suggestion that he at once make the point of order, and requesting Fisher to tell Mr. Caldwell the great favor he had done him, and the following statement made by Mr. Blaine in his speech of April 24, 1876 :

“As to the question of propriety involved in a member of Congress holding an investment of this kind, it must be remembered that the lands were granted to the State of Arkansas, and not to the railroad company, and that the company derived its life, franchise, and value wholly from the State.”

The conclusion cannot be resisted after a perusal of Mr. Blaine's letter (No. VIII.) that the statement above quoted from his speech of April 24, was one he knew to be untrue when he uttered it. It is obvious that had the State of Arkansas been the beneficiary, Mr. Blaine could have rendered no “great favor” to Caldwell.

## The Act Concerning Which Blaine was not a Deadhead.

The following is the text of the act :

Chap. xxvi. An Act to extend the Time for the Little Rock and Fort Smith Railroad Company to complete the first section of twenty miles of said road.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That an act approved July twenty-eight, eighteen hundred and sixty-six, entitled “An act to revive and extend the provisions of ‘An act granting the right of way and making a grant of land to the States of Arkansas and Missouri, to aid in the construction of a railroad from a point upon the Mississippi river, opposite the mouth of the Ohio river, via Little Rock, to the Texas boundary near Fulton in Arkansas, with branches to Fort Smith and the Mississippi river,’ approved February nine, eighteen hundred and fifty-three, and for other purposes,” be so amended as to extend the time of the Little Rock and Fort Smith Railroad Company, for building the first section of twenty miles provided for in the second section of said act, for the term of three years from the thirteenth day of May, eighteen hundred and sixty-seven, the time of filing the certificate of organization to said company, provided for in the third section of said act ;

*Provided,* That the land granted by the act hereby revived shall be sold to actual settlers only in quantities not greater than one quarter of a section to one purchaser, and for a price not exceeding two dollars and fifty cents per acre.

Approved, April 10, 1869.

June, 1869, Mr. Blaine desired a definite proposition concerning an interest in the Little Rock and Fort Smith Railroad, as is shown by his letters of June 29 (No. XI.), and July 2 (No. X.), which see.

September 3, 1869, Mr. Blaine had been acting as agent for a valuable consideration in placing bonds of the Little and Rock Fort Smith Railroad. (See Appendix K, *ante*). Compare the terms of the agreement contained in Appendix K with the statement of Mr. Blaine, April 24, 1876 :

“In common with hundreds of other people in New England, and other parts of the country, I bought some of these bonds—not a very large amount—paying for them at precisely the same rates others paid.” And again : “That instead of receiving bonds of the Little Rock and Fort Smith Railroad as a gratuity, I never had one except at the regular market price.”

The speech of Mr. Blaine is again contradicted by his letters. If he bought these bonds "paying for them precisely the same rates as others paid," what could he mean by writing to Mr. Fisher June 29, 1869 (No. XI) :

"Your offer to admit me to a participation in the new railroad enterprise is in every respect as generous as I could expect or desire."

And under date of July 2, 1869 (No. X) :

"Of course I am more than satisfied with the terms of the offer ; I think it a most liberal proposition."

And again :

"You spoke of Mr. Caldwell's offer to dispose of a share of his interest to me ; I wish he would make the proposition definite, so that I could know just what to depend on?"

And further :

"I am bothered by only one thing, and that is definite and expressed arrangements with Mr. Caldwell. I am anxious to acquire the interest he has promised me."

It is manifest that these expressions refer to more than permission to buy the bonds at the same rates paid by others.

The testimony of Mr. Mulligan bears on this point.

Examination of Mr. Mulligan.

By Mr. BLAINE :

Q. What were the bonds that went to the Maine parties ? what denomination of bonds were they, land grants or first mortgage bonds ?

A. (Referring to memorandum.) I can tell you, sir, and I presume you won't dispute it, because it is in your own handwriting. (Producing memorandum book labeled, "Warren Fisher, Jr., private," which he hands to the chairman.) There are all the parties' names, if you want them. You can have the whole history now.

By Mr. HUNTON :

Q. In whose handwriting is this book ?

A. James G. Blaine's.

The CHAIRMAN—Now proceed to answer the question.

The WITNESS—The \$130,000 bonds that were sold to these different parties here were first mortgage bonds.

By Mr. BLAINE :

Q. They were first mortgage and not land grant bonds ?

A. Yes ; the next sale was on a different "lay" from that other.

By Mr. HUNTON :

Q. Was that to Maine parties ?

A. Yes ; and sold on a different basis ; one man had \$8,000 land grant bonds and \$10,000 first mortgage bonds ; that was \$18,000 for one man ; another man had \$6,000 land grant bonds and \$7,500 first mortgage bonds ; another had \$9,000 land grant bonds and \$11,250 first mortgage bonds.

Q. Were all the sales which you have referred to made by or through Mr. Blaine ?

A. Yes.

Q. And in addition to the bonds you have just spoken of as coming to these purchasers, what sort of bonds did Mr. Blaine get ?

A. He was to get \$130,000 of land grant bonds and \$32,500 of first mortgage bonds.

By Mr. BLAINE :

Q. You do not testify that I actually got these ?

A. No, sir ; I say there is about \$36,500 that are due you yet.

By Mr. HUNTON :

Q. That is, he got all except thirty-six bonds ?

A. Yes.



By Mr. FRYE :

Q. Do you know whether they were sent to him or to the Maine men ?

A. I know that the men paid their subscriptions to me, and I gave receipts for them.

Q. But do you know that Mr. Blaine got his ?

A. I sent the other parties' bonds to them by express, and Mr. Blaine got his.

By Mr. HUNTON :

Q. You sent by express the bonds to the Maine party, and delivered to Mr. Blaine his in person ?

A. No ; I didn't deliver them to him in person, but Mr. Fisher did so. Mr. Blaine has acknowledged that he got all those. I gave him myself one lot of forty.

Q. He got all those \$130,000 land bonds and \$32,500 first mortgage bonds, except \$36,000 ; that is to say, thirty-six bonds ?

A. Yes.

The following are the contents of the memorandum book produced by the witness, and which is labeled on the outer cover :

*"Warren Fisher, Jr., private."*

*[First page of mem. book.]*

Synopsis on next and following pages of the contracts made through J. G. Blaine by Warren Fisher, Jr., as assignee of the contract for building the Little Rock & Fort Smith Railroad.

*[Second and third pages of mem. book.]*

Contracts made by Warren Fisher, Jr., with the following-named persons to deliver the stock and bonds named, on their paying the amounts named :

NAME.	RESIDENCE.	TO PAY.	TO RECEIVE.		
			Common Stock.	Preferred Stock.	First m. Bonds.
A. & P. Coburn.....	Skowhegan.....	\$50,000 ✓	\$50,000	\$50,000	\$50,000
× Peter F. Sanborn.....	Augusta.....	10,000	10,000	10,000	10,000
× Anson P. Morrill.....	Readfield.....	10,000 ✓	10,000	10,000	10,000
× Ralph C. Johnson.....	Belfast.....	✓10,000	10,000	10,000	10,000
× P. R. Hazeltine.....	".....	✓5,000	5,000	5,000	5,000
× C. B. Hazeltine.....	".....	✓5,000	5,000	5,000	5,000
× N. P. Monroe.....	".....	✓5,000	5,000	5,000	5,000
× A. W. Johnson (dec'd).....	".....	✓5,000	5,000	5,000	5,000
× H. H. Johnson.....	".....	✓5,000	5,000	5,000	5,000
× Philo Hersey.....	".....	✓5,000	5,000	5,000	5,000
× Lot M. Morrill.....	Augusta.....	✓5,000	5,000	5,000	5,000
× A. B. Farnell.....	".....	5,000	5,000	5,000	5,000
*Jos. H. Williams.....	".....	5,000	5,000	5,000	5,000
× C. M. Bailey.....	Winthrop.....	✓5,000	5,000	5,000	5,000
		\$130,000	\$130,000	\$130,000	\$130,000

[\* The name, Jos. H. Williams,—"\$5,000," is erased in pencil.] (See over.)

*[Fourth page of memorandum book.]*

In addition to the common stock, preferred stock, and first mortgage bonds agreed to be delivered to the respective parties named on the preceding page, Mr. Fisher agrees to deliver to James G. Blaine a similar amount of land bonds and 25 per cent. of first-mort. bonds, viz.:

Land bond, 7s.....	\$130,000
First-mortgage bonds, 6s.....	32,500

The same to be del'd by Mr. Fisher as soon as ready for distribution.

## [Fifth page of memorandum book.]

The other contracts on different bases are as follows :

1. With Joseph A. Sanborn and Charles M. Bailey, Mr. Fisher agrees to deliver—

	\$8,000 common stock.
	+8,000 preferred stock.
	8,000 land bonds.
	10,000 first-mortgage bonds.
All for 12,500, payable—	
\$600 }	\$3,000, November 25, 1869.
\$2,200 }	3,000, December 5, 1869.
\$1,700 }	2,500, January 5, 1870.
	800, February 5, 1870.
	800, March 5, 1870.
	800, April 5, 1870.
	800, May 5, 1870.
	800, June 5, 1870.
	<hr/>
	12,500

The amounts inclosed on left-hand margin above \$600, \$2,200, \$1,700, are payable by Mr. Fisher to Mr. Blaine.

## [Sixth page of memorandum book.]

2. With James M. Hagar of Richmond, Mr. Fisher agrees to deliver—

	\$6,000 common stock
	6,000 preferred stock.
	6,000 land-bonds, 7s.
	7,500 first-mortgage bonds, 6s.
All for \$9,500, payable—	
\$1,200 }	\$3 000, November 25, 1869.
\$1,400 }	2 000, December 5, 1869,
\$900 }	1,500, January 5, 1870.
	600, February 5, 1870.
	600, March 5, 1870.
	600, April 5, 1870.
	600, May 5, 1870.
	600, June 5, 1870.
	<hr/>
	9,500

The amounts inclosed on left-hand margin above, viz. : \$1,200, \$1,400, \$900, are payable by Mr. Fisher to Mr. Blaine.

## [Seventh page of memorandum book.]

## CONTRACT DELIVERED.

3. With Jeremiah Prescott, of Boston, Mr. Fisher agrees to deliver—

	\$5,000 common stock.
	5,000 preferred stock.
	5,000 land bonds.
	6,250 first mortgage bonds.
All for \$6,150, payable—	
(\$1,150)	\$2,650. November 15, 1869.
	500, December 5, 1869.
	500, January 5, 1870.
	500, February 5, 1870.
	500, March 5, 1870.
	500, April 5, 1870.
	500, May 5, 1870.
	500, June 5, 1870.
	<hr/>
	6,150

The amount inclosed on left hand margin (\$1,150), is payable by Mr. Fisher to Mr. Blaine.

## CONTRACT DELIVERED.

4. With Joseph A. Sanborn, of East Readfield, Me., Mr. Fisher agrees to deliver—

\$9,000 common stock.  
 9,000 preferred stock.  
 9 000 land bonds, 7s.  
 11,250 first mortgage bonds.

All for \$15,000, payable—

\$3,400 }	\$7,000, December 5, 1869.
\$2,600 }	3,500, January 5, 1870.
	900, February 5, 1870.
	900, March 5, 1870.
	900, April 5, 1870.
	900, May 5, 1870.
	900, June 5, 1870.

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15,000

The amount inclosed on the left hand margins above, \$3,400 \$2,600, are payable by Mr. Fisher to Mr. Blaine, as commissions.

The WITNESS—I desire to say that as to the entry to the name “Jos. H. Williams,” that stock was not delivered; he made one payment, but afterward withdrew, and then Mr. Fisher refunded him his money; and so, of course, Mr. Blaine was not entitled to the \$5,000 of those bonds, and his amount was reduced by that; he was only entitled to \$157,000; he was to get the \$162,000, but when this fell through it reduced his percentage; this memorandum was made here before it was known this man would back out.

By Mr. LAWRENCE:

Q. “This man” is the man Williams, whose name is erased?

A. Yes; it was all figured out there, and he had paid his first instalment, but afterwards went out; this memorandum was made upon the supposition that he was not going out; this memorandum book contains an account of all the Maine bonds and explains itself; all these bonds (including the bonds forming second transaction in the memorandum book) were sold for so much cash; the parties got so many bonds for so much money. There is the amount indicated in the margin, which Mr. Blaine got. At the foot there is indicated the amount of cash received.

Q. I understand you to say that in this contract for the sale of bonds on page 5 of the memorandum book, they were sold for an instalment in cash amounting to \$12,500?

A. Yes; here is the amount of bonds and stock they got, and there is the amount of cash they paid for it.

Q. That is, the amount of cash received was \$12,500?

A. Yes.

Q. And out of that \$12,500 which Mr. Fisher received, Mr. Blaine got \$600, \$2,200, and \$1,700?

A. Yes.

(NOTE.—It appears from the above memoranda of contracts that the aggregate of the amounts thus agreed to be paid Mr. Blaine was \$162,500 in bonds and \$15,150 in cash. The cash to be paid Mr. Blaine in the transactions numbered 1 to 4, appears to have been an irregular amount ranging from 18 to 40 per cent., and in each case equal to the excess of the cash paid by the buyer over the par value of the land bonds; of the \$43,150 cash to be paid in these last four transactions, it appears Mr. Fisher was to receive \$28,000 for the bonds delivered and Mr. Blaine to receive \$15,150.)

October 4, 1869. Mr. Blaine called attention to his ruling and its effects (see letters VIII and IX.)

February 2, 1870. A bill, which became a law, was introduced into the House, repealing the proviso of the act of 1869, which limited the price at which lands granted the railroad could be sold.

1871 and 1872. Mr. Blaine wrote repeatedly to Mr. Fisher on the subject of their transactions together.

September 21, 1872. Mr. Blaine and Mr. Fisher had a settlement of their affairs regarding railroad matters, etc., at which time various letters were given back to Mr. Blaine. (Testimony of Mr. Blaine, Mis. Doc. 176, p. 107.)

April 24, 1876. Mr. Blaine made a personal explanation in the House denying any connection with a transaction involving \$75,000 L. R. and F. S. R. R. bonds, which the Union Pacific Railroad had at one time bought. In this explanation Mr. Blaine stated that he never had one (bond), except at the regular market price. (Cong. Rec. 44th Cong., 1st Sess. p. 2725.) He said :

"To give a seeming corroboration of foundation to the story which I have disproved, the absurd rumor has lately appeared in certain newspapers that I was the owner of from \$150,000 to \$250,000 of the Little Rock and Fort Smith Railroad Bonds, which I received without consideration, and that it was from these bonds that Thomas A. Scott received his \$75,000. The statement is gratuitously and utterly false. \* \* \*

He further stated :

"After the war all the grants of land previously made to the Southern States were renewed in gross in the session of 1865-66. The Little Rock and Fort Smith Company again received a grant from the State and again tried to raise money to build their road : but 1865, 1866, 1867, passed without their getting a dollar. Finally, toward the close of 1868 a company of Boston gentlemen, representing considerable capital, undertook its construction. In raising the requisite means they placed the bonds of the road on the New England market in the summer of 1869, offering them on terms which seemed very favorable to the purchaser, and offering them at a time when investments of this kind were fatally popular. In common with hundreds of other people in New England and other parts of the country, I bought some of these bonds—not a very large amount—paying for them at precisely the same rate that others paid. I never heard and do not believe that the Little Rock Company—which I know is controlled by highly honorable men—ever parted with a bond to any person except at the regular price fixed for their sale. \* \* \* Instead of receiving bonds of the Little Rock and Fort Smith road as a gratuity I never had one except at the regular market price, and that instead of making a large fortune out of that company I have incurred a severe pecuniary loss from my investment in its securities which I still retain."

Compare contract of September 5, 1869, p.—, *ante*.

He further stated :

"As to the question of propriety involved in a member of Congress holding an investment of this kind, it must be remembered that the lands were granted to the State of Arkansas, and not to the railroad company, and that the company derived its life, franchise and value wholly from the State. And to the State the company is amenable and answerable, and not in any sense to Congress."

See Act of 1869, *ante*—, and letters Oct. 4, 1869, *ante*—.

### Mulligan's Character Sworn to.

In the brief history of the Mulligan letters here given, it has not been attempted to go into the details of the testimony of Mr. Fisher, Mr. Atkins, Mr. Blaine, or even Mr. Mulligan, but enough, it is thought, has been presented to give a comprehensive view of Mr. Blaine's transactions in regard to the bonds of the Little Rock & Fort Smith Railroad. The proof presented in the letters of Mr. Blaine and in the memorandum-book in his own handwriting, seems conclusive even without the testimony of Mr. Mulligan. Mr. Blaine did not attempt to impeach the testimony of this important witness. Mr. Fisher was asked :

Q. What is his (Mulligan's) character ?

A. His character is the best. I would say it is as good as, or perhaps better, than that of any man that I ever knew.



Q. What is his reputation for truth and veracity ?

A. I never heard it questioned.

Mr. Atkins was asked : What is Mr. Mulligan's reputation ?

A. I have never heard anything against it.

Q. What is his reputation for truth and veracity ?

A. I have never doubted anything he said.

### One of Blaine's Side Speculations.

It will be seen that there are references in some of the letters to an interest in the Northern Pacific Railroad. As throwing further light on this part of the subject, we print here the following interesting letter from Mr. Blaine to Mr. Fisher which does not appear among those read by Mr. Blaine in the House :

AUGUSTA, Me., November 25, 1870.

MY DEAR MR. FISHER : A year ago and more I spoke to you about purchasing an interest in the Northern Pacific Railroad for yourself and any you might choose to associate with yourself. The matter passed by without my being able to control it, and nothing more was said about it. Since then the Jay Cooke contract has been perfected, the additional legislation has been obtained, and 230 miles of the road are well-nigh completed, and the whole line will be pushed forward rapidly. By a strange revolution of circumstances I am again able to control an interest, and if you desire it you can have it. The whole road is divided into twenty-four shares, of which Jay Cooke & Co. have twelve. The interest I speak of is one-half of one-twenty-fourth, or one one-hundred-and-ninety-second of the entire franchise, being that proportion of the eighty-one millions of stock that are being divided as the road is built, and a like proportion of the Land Company stock that is formed to take and dispose of the 52,000,000 acres of land covered by their grant as amended by their law of last session. The amount of stock which this 1-192 would have in the end would be about \$425,000, and the number of acres of land it represents is nearly 275,000. The road is being built on the 7.30 bonds, \$25,000 to the mile, which Jay Cooke takes at 90. Instead of mortgaging the land, they make a stock company for its ownership, dividing it *pro rata* among the holders of the franchise. The whole thing can be had for \$25,000, which is less than one-third of what some other sales of small interest have gone at. I do not suppose you would care to invest the whole \$25,000. I thought for a small flyer eight or ten of you in Boston might take it—\$2,500 each. For \$2,500 thus invested you would get ultimately \$42,000 stock and the avails of some 27,000 acres of land. Five of you at \$5,000 each would have a splendid thing of it.

The chance is a very rare one. I can't touch it, but I obey my first and best impulse in offering it to you.

All such chances as this since Jay Cooke got the road have been accompanied with the obligation to take a large amount of the bonds at ninety, and hold them not less than three years. I will be in Boston Tuesday noon, and will call upon you. Of course if you don't want it let it pass. You will receive an immediate issue of stock to a considerable amount, and certificates of land stock also. Of course, in conferring with others, keep my name quiet, mentioning it to no one unless to Mr. Caldwell. I write under the presumption that you have returned. But I have heard nothing.

Yours truly,

J. G. BLAINE.

This offer was accepted by Fisher, as appears from the following receipt :

Received of Warren Fisher, Jr., \$25,000, in trust, in consideration of which I am to deliver to said Fisher properly authenticated certificates of interest in the North Pacific Railway Company, equivalent to one-eighth part of one of the twenty-four principal shares in which the franchise stock of said company are divided. Certificates to be in the name of Elisha Atkins.

Witness my hand,

JAMES G. BLAINE.

## The (N. Y.) Evening Post on Blaine.

The charges against Mr. Blaine were stated *seriatim* by the N. Y. Evening Post (Rep.):

### The First Charge.

The first of these charges is that in the spring session of Congress in 1869 a bill was before the House of Representatives which sought to renew a land grant to the Little Rock and Fort Smith Railroad of Arkansas, in which some of Mr. Blaine's friends were interested; that an attempt to defeat it by an amendment was made, and was on the point of being successful, and its promoters were in despair; that at this juncture Mr. Blaine, being then Speaker of the House, sent a message to General Logan to make the point of order that the amendment was not germane to the purposes of the bill; that this point of order was accordingly raised and promptly sustained by Mr. Blaine as Speaker, and the bill was in this manner saved; that Mr. Blaine wrote at once to the promoters, calling attention to the service he had rendered them, and finally, after some negotiations, secured from them, as a reward for it, his appointment as selling agent of the bonds of the road, on commission, in Maine, and received a number of such bonds as his percentage; that the leading features of this transaction appeared in two letters of his afterward made public, dated respectively June 29 and October 4, 1869.

### The Second Charge.

*Second*—That he asserted at first on the floor of the House, with the view of covering up this affair, that the Little Rock and Fort Smith road "derived its life, franchise and value wholly from the State," and not from Congress, whereas the evidence subsequently taken by the Congressional Committee disclosed the fact that the road derived the value on which these bonds were based from the act of Congress of which Mr. Blaine secured the passage in the manner above described in 1869; that he asserted on the floor of the House that the bonds he received "were bought by him at precisely the same rate as others paid," whereas the evidence showed that the bonds came to him as commissions on sales, which he secured the opportunity of making through his aid given to the work in Congress, and that he solicited this agency, basing his request on the aid so given, and that he paid nothing whatever for the bonds, the consideration being his ruling as Speaker and his subsequent efforts to sell them. What he did with these bonds, seventy-five in number, is uncertain; but strong, though not conclusive, evidence was produced going to show that they were taken off his hands at a good price by the Union Pacific Railroad (through the instrumentality of one Caldwell), which then also was in trouble. The investigation on this point was never pushed home, owing to the sudden illness which overtook Mr. Blaine in 1876.

### The Third Charge.

*Third*—That Mr. Blaine, in 1870, made an offer, as appeared by his own letters, to one of his railroad friends, Mr. Warren Fisher, of Boston, to sell him a half of one-twenty-fourth interest in the Northern Pacific railroad, immediately after Jay Cooke's contract "had been perfected and the additional legislation had been obtained," he having, he said, come into control of this interest, "by a strange revolution of circumstances;" that the amount of stock which this would represent, he said, would be \$425,000, and the number of acres of land "nearly 275,000." "The chance," he said, "was a very rare one; he couldn't touch it," but he offered it to Mr. Fisher for \$25,000; that Mr. Fisher accepted it and paid the money, but for some unexplained reason the stock was never delivered, and Mr. Blaine subsequently returned the amount. This transaction was a very peculiar one for the following reasons:

It appears from acts of Congress relating to the road, none of which are of older date than July 2, 1864, that the authorized stock was \$100,000,000, with a land grant estimated by the Commissioners of Public Lands at 47,000,000 acres, or 74,423 square miles. The line of the road was 2,000 miles long, and at the time of Blaine's letter to Fisher it was, he says, being built on bonds at \$25,000 a mile, which would have made a bonded debt of \$50,000,000. Mr. Blaine, as member of Congress and Speaker of the House, must be taken to have known about the cir-

circumstances of the road, and there, therefore, seems no escape from the conclusion that his offer was based on the expectation that he would receive almost as a gift a share in an enterprise dependent for its value on legislation in which he had taken part. Mr. Blaine's defense in the case of this transaction consisted at first of a denial that he had ever had any transaction with the road at all, but he afterward rested on the fact that he had no pecuniary interest in the transfer, and that it was never actually made; but though this might be a defense to a suit against him for a conspiracy to defraud purchasers of the stock, it does not affect in any way the nature of the offer. His relations with Warren Fisher were in 1870, as appeared from the evidence, such that any favor done the latter, or gift presented to him, had a direct pecuniary value.

#### The Fourth Charge.

*Fourth*—Because he obtained certain letters, which there is every reason to believe contained matter gravely compromising him, from a perfectly reputable witness, Mr. Mulligan, who was the proper and lawful custodian of them, after having vainly applied appeals to his pity, by pledging his word of honor to restore them, then broke this pledge, retained them by force, and subsequently read such of them as he pleased to the House in aid of his vindication; that this conduct, if not legally criminal, was such as no man aspiring to be the chief magistrate of a great nation ought to be even suspected of.

#### The Fifth Charge.

*Fifth*—That both his short service as an executive officer of the Government and the various efforts he has made during the past eight years to keep the public in mind of him, have been sensational and theatrical, indicating a strong love of notoriety and an absence of the settled convictions, the sober judgment and the steadiness of character which are needed to make him a safe occupant of any high or responsible administrative office; and that the means by which his "booms" are started and promoted, of which the manner in which his "history" has recently been heralded and produced is a good example, bear too close an approach to the advertising devices of a circus or other public show to make the candidacy of any person resorting to them anything but a humiliation for the party producing them.

### The New York Herald on Blaine.

The *N. Y. Herald*, of June 3, 1876, voiced the sentiments of the independent press at the time of the exposure in the following words:

No one can doubt, after reading the evidence of that curious creature Mulligan, that Mr. Blaine is not worthy of the confidence of the country, and especially in a position as elevated as the Presidency of the United States. The nature of this evidence has been explained to our readers at length. There is no difficulty in understanding the exact position of Mr. Blaine. By his own words and acts, by his written letters, which, by suppressing he admits to be improper, he shows that his relations with a shameless gang of jobbers and swindlers were inconsistent as a severe guardian of the people's interest. We may say, "shameless gang of jobbers, and swindlers," because the history of our whole Pacific legislation is that of jobbery striving to use the generosity of the Government to further private ends. It was this legislation which enabled the Union Pacific Railway to have a law passed which virtually robs the Government of a hundred, or, as some say, two hundred millions of dollars. The men who had any hand in this gigantic robbery, and for robbery it was, deserves no mercy from the American people. A part of the Nation's vengeance was visited upon some of them in the resolutions expelling and censuring certain members and Senators, and in the moral condemnation which has fallen upon others. It is no wonder that the country should look with suspicious eyes upon the arts of a man as conspicuous as Mr. Blaine which shows his connection with any share of that Pacific legislation. Mr. Blaine admits that in that time of wild legislation and general corruption he took a prominent part not only in advancing the interests of such railways as the Union and Northern Pacific, but also the sale of their stock and bonds. He admits that he made money in this manner out of what was fairly due him as "commissions." He contends,



naturally enough, or rather it is the argument of his friends, that this is his own affair, with which no Congress has any business, and that because a gentleman enters into public life he does not necessarily deprive himself of every means of livelihood. There would be force in this argument but for the fact that the only value the stocks and bonds which Mr. Blaine "earned" came from the legislation of Congress, that for this legislation he was, more than any other member responsible, that by this legislation, as we see by the decree of the Supreme Court, the Treasury was robbed. Mr. Blaine can give no explanation of his relations with any one of these railways consistent with his duties as an honorable, self-respecting member of the House, and, as our Washington correspondent puts it, the developments remove him from any consideration as a candidate for the Presidency.

## The Friend of Railroads.

The most important act ever passed to check the power of railroads and to compel them to fulfill the obligations entered into at their incorporation, was the Thurman act, approved May 7, 1878. This act is of such importance and the interest affected by it so vast that it is here reproduced in full :

CHAP. 96.—An act to alter and amend the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the government the use of the same for postal, military, and for other purposes," approved July first, eighteen hundred and sixty-two, and also to alter and amend the act of Congress, approved July second, eighteen hundred and sixty-four, in amendment of said first-named act.

Whereas, on the first day of July, anno Domini eighteen hundred and sixty-two, Congress passed an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the government the use of the same for postal, military, and other purposes ; and

Whereas, afterward, on the second day of July, anno Domini eighteen hundred and sixty-four, Congress passed an act in amendment of said first-mentioned act ; and

Whereas, the Union Pacific Railroad Company, named in said acts, and under the authority thereof, undertook to construct a railway, after the passage thereof, over some part of the line mentioned in said acts ; and

Whereas, under the authority of the said two acts, the Central Pacific Railroad Company of California, a corporation existing under the laws of the State of California, undertook to construct a railway, after the passage of said acts, over some part of the line mentioned in said acts ; and

Whereas, the United States, upon demand of said Central Pacific Railroad Company, have heretofore issued, by way of loan, and as provided in said acts, to and for the benefit of said company, in aid of the purposes named in said acts, the bonds of the United States, payable in thirty years from the date thereof, with interest at six per centum per annum, payable half-yearly, to the amount of twenty-five million eight hundred and eighty-five thousand one hundred and twenty dollars, which said bonds have been sold in the market or otherwise disposed of by said company ; and

Whereas, the said Central Pacific Company has issued and disposed of an amount of its own bonds equal to the amount so issued by the United States, and secured the same by mortgage, and which are, if lawfully issued and disposed of, a prior and paramount lien, in the respect mentioned in said acts, to that of the United States, at stated, and secured thereby ; and

Whereas, after the passage of said acts, the Western Pacific Railroad Company, a corporation then existing under the laws of California, did, under the authority of Congress, become the assignee of the rights, duties, and obligations of the said Central Pacific Railroad Company, as provided in the act of Congress passed on the third of March, anno Domini eighteen hundred and sixty-five, and did, under the authority of the said act and of the acts aforesaid, construct a railroad from the city of San José to the city of Sacramento, in California, and did demand and receive from the United States the sum of one million nine hundred and seventy thousand five hundred and sixty dollars of the bonds of the United States, of the description before mentioned as issued to the Central Pacific Com-



pany, and in the same manner and under the provisions of said acts; and upon and in respect of the bonds so issued to both said companies, the United States have paid interest to the sum of more than thirteen and a half million dollars, which has not been reimbursed; and

Whereas, said Western Pacific Railroad Company has issued and disposed of an amount of its own bonds equal to the amount so issued by the United States to it, and secured the same by mortgage, which are, if lawfully issued and disposed of, a prior and paramount lien to that of the United States, as stated and secured thereby; and

Whereas, said Western Pacific Railroad Company has since become merged in, and consolidated with, said Central Pacific Railroad Company, under the name of the Central Pacific Railroad Company, whereby the said Central Pacific Railroad Company has become liable to all the burdens, duties, and obligations before resting upon said Western Pacific Railroad Company; and divers other railroad companies have been merged in and consolidated with said Central Pacific Railroad Company; and

Whereas, the United States upon the demand of the said Union Pacific Railroad Company, have heretofore issued by way of loan to it and as provided in said acts, the bonds of the United States, payable in thirty years from the date thereof, with interest at six per centum per annum, payable half-yearly, the principal sums of which amount to twenty-seven million two hundred and thirty-six thousand five hundred and twelve dollars; on which the United States have paid over ten million dollars interest over and above all reimbursements; which said bonds have been sold in the market or otherwise disposed of by said corporation; and

Whereas, said corporation has issued and disposed of an amount of its own bonds equal to the amounts so issued to it by the United States as aforesaid, and secured the same by mortgage, and which are, if lawfully issued and disposed of, a prior and paramount lien, in the respect mentioned in said acts to that of the United States, as stated, and secured thereby; and

Whereas, the total liabilities (exclusive of interest to accrue) to all creditors, including the United States, of the said Central Pacific Company, amount in the aggregate to more than ninety-six million dollars, and those of the said Union Pacific Railroad Company to more than eighty-eight million dollars; and

Whereas, the United States, in view of the indebtedness and operations of said several railroad companies respectively, and of the disposition of their respective incomes, are not and cannot, without further legislation, be secure in their interests in and concerning said respective railroads and corporations, either as mentioned in said acts or otherwise; and

Whereas, a due regard to the rights of said several companies respectively, as mentioned in said act of eighteen hundred and sixty-two, as well as just security to the United States in the premises, and in respect of all the matters set forth in said act, require that the said act of eighteen hundred and sixty-two be altered and amended as hereinafter enacted; and

Whereas, by reason of the premises also, as well as for other causes of public good and justice, the powers provided and reserved in said act of eighteen hundred and sixty-four for the amendment and alteration thereof ought also to be exercised as hereinafter enacted; therefore,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the net earnings mentioned in said act of eighteen hundred and sixty-two, of said railroad companies respectively shall be ascertained by deducting from the gross amount of their earnings, respectively, the necessary expenses actually paid within the year in operating the same and keeping the same in a state of repair, and also the sum paid by them respectively within the year in the discharge of interest on their first-mortgage bonds, whose lien has priority over the lien of the United States, and excluding from consideration all sums owing or paid by said companies respectively for interest upon any other portion of their indebtedness; and the foregoing provision shall be deemed and taken as an amendment of said act of eighteen hundred and sixty-four, as well as of said act of eighteen hundred and sixty-two. This section shall take effect on the thirtieth day of June next, and be applicable to all computations of net earnings thereafter; but it shall not affect any right of the United States or of either of said railroad companies existing prior thereto.

SEC. 2. That the whole amount of compensation which may, from time to time,

be due to said several railroad companies respectively for services rendered for the Government shall be retained by the United States, one-half thereof to be presently applied to the liquidation of the interest paid and to be paid by the United States upon the bonds so issued by it as aforesaid, to each of said corporations severally, and the other half thereof to be turned into the sinking fund hereinafter provided, for the uses therein mentioned.

SEC. 3. That there shall be established in the Treasury of the United States a sinking fund, which shall be invested by the Secretary of the Treasury in bonds of the United States; and the semi-annual income thereof shall be in like manner from time to time invested, and the same shall accumulate and be disposed of as hereinafter mentioned. And in making such investments the Secretary shall prefer the five per centum bonds of the United States, unless for good reasons appearing to him, and which he shall report to Congress, he shall at any time deem it advisable to invest in other bonds of the United States. All the bonds belonging to said fund shall, as fast as they shall be obtained, be so stamped as to show that they belong to said fund, and that they are not good in the hands of other holders than the Secretary of the Treasury until they shall have been indorsed by him, and publicly disposed of pursuant to this act.

SEC. 4. That there shall be carried to the credit of said fund on the first day of February in each year, the one-half of the compensation for services hereinbefore named, rendered for the Government by said Central Pacific Railroad Company, not applied in liquidation of interest; and in addition thereto, the said company shall, on said day in each year, pay into the Treasury, to the credit of said sinking fund, the sum of one million two hundred thousand dollars, or so much thereof as shall be necessary to make the five per centum of the net earnings of its said road payable to the United States under said act of eighteen hundred and sixty-two, and the whole sum earned by it as compensation for services rendered for the United States, together with the sum by this section required to be paid, amount in the aggregate to twenty-five per centum of the whole net earnings of said railroad company, ascertained and defined as hereinbefore provided, for the year ending on the thirty-first day of December next preceding. That there shall be carried to the credit of the said fund, on the first day of February in each year, the one-half of the compensation for services hereinbefore named, rendered for the Government by said Union Pacific Railroad Company, not applied in liquidation of interest; and, in addition thereto, the said company shall, on said day in each year, pay into the Treasury, to the credit of said sinking fund, the sum of eight hundred and fifty thousand dollars, or so much thereof as shall be necessary to make the five per centum of the net earnings of its said road, payable to the United States under said act of eighteen hundred and sixty-two, and the whole sum earned by it as compensation for services rendered for the United States, together with the sum by this section required to be paid, amount in the aggregate to twenty-five per centum of the whole net earnings of said railroad company, ascertained and defined as hereinbefore provided, for the year ending on the thirty-first day of December next preceding.

SEC. 5. That whenever it shall be made satisfactorily to appear to the Secretary of the Treasury, by either of said companies, that seventy-five per centum of its net earnings, as hereinbefore defined, for any current year, are or were insufficient to pay the interest for such year upon the obligations of such company, in respect of which obligations there may exist a lien paramount to that of the United States, and that such interest has been paid out of such net earnings, said Secretary is hereby authorized, and it is made his duty, to remit for such current year so much of the twenty-five per centum of net earnings required to be paid into the sinking fund, as aforesaid, as may have been thus applied and used in the payment of interest as aforesaid.

SEC. 6. That no dividend shall be voted, made, or paid for or to any stockholder or stockholders in either of said companies respectively at any time when the said company shall be in default in respect of the payment either of the sums required as aforesaid to be paid into said sinking fund, or in respect of the payment of the said five per centum of the net earnings, or in respect of interest upon any debt the lien of which, or the debt on which it may accrue, is paramount to that of the United States; and any officer or person who shall vote, declare, make or pay, and any stockholder of any of said companies who shall receive any such dividend contrary to the provisions of this act, shall be liable to the United States for the amount thereof, which, when recovered, shall be paid into said sinking

fund. And every such officer, person, or stockholder who shall knowingly vote, declare, make, or pay any such dividend, contrary to the provisions of this act, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding ten thousand dollars, and by imprisonment not exceeding one year.

SEC. 7. That the said sinking fund so established and accumulated shall at the maturity of said bonds so respectively issued by the United States, be applied to the payment and satisfaction thereof, according to the interest and proportion of each of said companies in said fund, and of all interest paid by the United States thereon, and not reimbursed, subject to the provisions of the next section.

SEC. 8. That said sinking fund so established and accumulated shall, according to the interest and proportion of said companies respectively therein, be held for the protection, security, and benefit of the lawful and just holders of any mortgage or lien debts of such companies respectively, lawfully paramount to the rights of the United States, and for the claims of other creditors, if any, lawfully chargeable upon the funds so required to be paid into said sinking fund, according to their respective lawful priorities, as well as for the United States, according to the principles of equity, to the end that all persons having any claim upon said sinking fund may be entitled thereto in due order: but the provisions of this section shall not operate or be held to impair any existing legal right, except in the manner in this act provided, of any mortgage, lien, or other creditor of any of said companies respectively, nor to excuse any of said companies respectively from the duty of discharging, out of other funds, its debts to any creditor except the United States.

SEC. 9. That all sums due to the United States from any of said companies respectively, whether payable presently or not, and all sums required to be paid to the United States or into the Treasury, or into said sinking fund under this act, or under the acts hereinbefore referred to, or otherwise, are hereby declared to be a lien upon all the property, estate, rights and franchises of every description granted or conveyed by the United States to any of said companies respectively or jointly, and also upon all the estate and property, real, personal and mixed, assets, and income of the said several railroad companies respectively, from whatever source derived, subject to any lawfully prior and paramount mortgage, lien, or claim thereon. But this section shall not be construed to prevent said companies respectively from using and disposing of any of their property or assets in the ordinary, proper and lawful course of their current business, in good faith and for valuable consideration.

SEC. 10. That it is hereby made the duty of the Attorney-General of the United States to enforce, by proper proceedings against the several railroad companies respectively or jointly, or against either of them, and others, all the rights of the United States under this act and under the acts hereinbefore mentioned, and under any other act of Congress or right of the United States; and in any suit or proceedings already commenced, or that may be hereafter commenced against any of said companies, either alone or with other parties, in respect of matters arising under this act, or under the acts or rights hereinbefore mentioned or referred to, it shall be the duty of the court to determine the very right of the matter without regard to matters of form, joinder of parties, multifariousness, or other matters not affecting the substantial rights and duties arising out of the matters and acts hereinbefore stated and referred to.

SEC. 11. That if either of the said railroad companies shall fail to perform all and singular the requirements of this act and of the acts hereinbefore mentioned, and of any other act relating to said company, to be by it performed, for the period of six months next after such performance may be due, such failure shall operate as a forfeiture of all the rights, privileges, grants, and franchises derived or obtained by it from the United States; and it shall be the duty of the Attorney-General to cause such forfeiture to be judicially enforced.

SEC. 12. That nothing in this act shall be construed or taken in any wise to affect, or impair the right of Congress at any time hereafter further to alter, amend, or repeal the said acts hereinbefore mentioned; and this act shall be subject to alteration, amendment, or repeal, as in the opinion of Congress, justice or the public welfare may require. And nothing herein contained shall be held to deny, exclude, or impair any right or remedy in the premises now existing in favor of the United States.

SEC. 13. That each and every of the provisions in this act contained shall severally and respectively be deemed, taken, and held as in alteration and amendment



of said act of eighteen hundred and sixty-two and of said act of eighteen hundred and sixty-four respectively, and of both said acts.

Approved, May 7, 1878.

To prevent the passage of this bill was arrayed the whole power of the railroad kings, Gould, Huntington, *et id omne genus*; the lobbies swarmed with their agents, and their representatives on the floor by voice and vote exerted their utmost energies to compass its defeat. Indeed, Mr. Gould was there and in person directed the operations of the lobby. The cause of the people, however, was in the hands of that great leader, Allen G. Thurman, earnestly aided by Mr. Edmunds, and no subterfuge could blind and no specious argument swerve him from the accomplishment of the object in view.

Among those in the Senate who most stoutly resisted the passage of the Thurman act was James G. Blaine. In fact, in the long debate that attended the bill, he was the leader of the opposition.

In the Senate, April 9, 1878, Mr. Blaine offered the following amendment to the Pacific Railroad Funding Act:

But so long as said Central Pacific and Union Pacific Railroad Companies shall faithfully comply with the provisions of the said acts of 1862 and 1864, and of this act, relating to the payments to the United States on account of the bonds advanced, and of sinking funds to be established as aforesaid, such compliance shall be deemed and taken as sufficient to meet the obligations of said companies on account of such bonds prior to the maturity thereof.

Provided, That the annual payments from each railroad company, in addition to the half transportation account and the five per cent. of the net earnings presently applicable to the interest, and the bonds, shall never be less than \$600,000, including the other half of the transportation account applicable to the sinking fund herein established, and that nothing in this act shall be construed to waive any claim of the United States against either of said railroad companies, from whatever source arising.

The purpose and effect of this amendment was to defeat the object of the bill and to nullify its salutary provisions. This was recognized by Mr. Thurman, who said:

I consider this amendment as really determining the fate of the bill.

The amendment of the Senator from Maine is the worst attack upon the bill that could be made. He knows very well that with that provision fastened on to this bill the bill not only would not be worth the paper upon which it is written, but that it would be far worse than nothing; he knows that that would be a fatal death-blow given to the bill.

Mr. President, let no one deceive himself about this; let no one imagine he can be a friend of the Judiciary Committee bill and at the same time a friend of the amendment of the Senator from Maine. The amendment of the Senator from Maine is prussic acid to the bill. It cannot survive a day, nor an hour perhaps, after that amendment is adopted. It is a stab at the very heart of the bill; it is as fatal as any stab could possibly be. I hope, therefore, the friends of this bill, those who mean to make these companies live up to their obligations, do what they assumed to do; those who mean that these companies shall know that the Government is their master, and they are not the masters of the Government—will see that no such poison is taken into the bill as the amendment of the Senator from Maine.

The acute mind of Mr. Edmunds was not deceived. He said:

He (Blaine), as I said before, is the original father, there is no grandfather and no collateral relation of a proposition in the legislation of this country of the Congress of the United States, since the time when the evil of the hands of states and of congresses has been discovered in the last few years, to provide that in any respect or under any circumstances the hands of the legislative power shall be held off from the exercise of their legitimate and constitutional control over public corporations. \* \* \* \* \* You cannot tell, sir, what will happen; you cannot tell who will manage these corporations; you cannot tell how long there will be any net income or not, depending not upon the fair progress of natural re



sources of development and natural competition, but depending upon the evil deviltry of stock-boards and private jobs. There is the trouble about all these corporations, and yet my honorable friend from Maine, in that sweet innocence which characterizes his character, that sublime faith that everybody is as virtuous as he is, is willing to fold up his arms and be tied up in a bag by the Union Pacific and Central Pacific Railroad Companies for twenty-two years, merely because we require them to establish a sinking fund.

The amendment of Mr. Blaine was defeated—yeas 23, nays 35.

The bill was then passed—yeas 40, nays 20.

Mr. Blaine voted "no."

Sec Cong. Record, Ap. 2 to 9, 1878.

That the object of Mr. Blaine's amendment was understood in California is shown by the following editorial :

[From the *San Francisco Chronicle* of April 10, 1878.]

### The Railroads must pay.

The bill of the Senate Judiciary Committee providing that the Union and Central Pacific Railroad Companies shall each create a sinking fund, with which to finally liquidate their indebtedness to the Government, passed the United States Senate yesterday, by the decisive vote of 40 to 19. It passed without Blaine's amendment, which was intended to nullify its force, and indeed, without amendments of any kind. This is the first real and effective check which the arrogance of the railroad companies have yet received. Remarkable as it may seem, in this era of corruption, neither sham nor compromise is embodied in this bill. It is a plain, straightforward, compulsory demand that these companies which have grown so enormously rich from the prodigal donations of the country, and from their oppressive tariff exactions, shall now meet the obligations they have evaded so long. The House Committee on Railroads has been instructed to report a similar bill which will undoubtedly pass. Blaine's amendment was defeated by a vote of 35 to 23.

From the foregoing debate it will be seen that it was not without proper knowledge that Mr. Edmunds wrote to a friend in Vermont :

"It is my deliberate opinion that Mr. Blaine acts as the attorney of Jay Gould. Whenever Mr. Thurman and I have settled upon legislation to bring the Pacific railroads to terms of equity with the Government, up has jumped James G. Blaine, musket in hand, from behind the breastworks of Gould's lobby, to fire into our back."

The law thus treated of, having in operation discovered some defects, a bill to amend the Thurman act and correct its defects was passed in the House at the last session, under the leadership of Hon. Phil. B. Thompson of Kentucky. The Republican Senate failed to take any action on it, as it did on most other measures where the people demanded action and the corporations desired delay.

### The Friend of the Miner.

The House having under consideration, May 17, 1866, the bill to amend "an act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," and acts amendatory thereof, the following debate was had :

The Clerk read as follows :

47.—Miners shall pay ten dollars. Every person, firm or company, who shall employ others in the business of mining for coal, or for gold, silver, copper, lead, iron, zinc, spelter, or other minerals, not having paid the tax therefor, as a manufacturer, and no other, shall be regarded as a miner, under this act. Provided : That this shall not apply to any miner whose receipts from his mine shall not exceed annually, \$1,000

MR. MERCUR—I move to strike out the words “employ others in” and insert “carry on.”

MR. CHAIRMAN—I do not know how it is in the mines where the precious metals are procured, but in the coal mines this phraseology would result disastrously to the miners. “Miner” is a technical term. Persons are called miners who have no interest in the mines at all. A is put in with one or two laborers. He is called a miner, though he has no interest in the sale of coal. It may be thought the proviso to the bill would exempt him from the effect of this tax, but on looking, it will be seen it does not apply to any person who is a miner.

\* \* \* \* \*

MR. STEVENS (Pa.)—I move to strike out the whole paragraph.

MR. CHAIRMAN—I do not know how many this would embrace. Every man who mined limestone for his farm, every man who mined a little coal for his furnace, all these men, and ten thousand others like them, would be embraced.

Mr. Morrill opposed the amendment, and Mr. Bidwell, in behalf of the gold mines, favored it.

MR. BLAINE then said :

I do not think the amendment of the gentleman from Pennsylvania from the Pittsburgh district ought to prevail.

I think that during the whole progress of this bill, with all due respect to the gentleman from Pennsylvania and the gentleman from California, I have seen no motion made more groundless than this. We place a tax upon every trade and calling we can find out, and *I undertake to say that the miners in the Pennsylvania coal mines are infinitely better able to pay taxes than the builders, contractors, lawyers, physicians and surgeons.*

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MR. MOOREHEAD (Pa.)—The receipts of these men are not from the mines, but from labor, and the proposition really is to tax labor.

MR. McRUER (Cal.)—I wish to say in reply to the gentleman from Maine (Mr. Blaine), that there is not a single tax in this whole bill analogous to this. This is a direct tax upon the labor producing the raw material.

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MR. KELLEY (Pa.)—The tax proposed is a direct tax upon wages and labor, at least as far as Pennsylvania is concerned.

It was contended by Mr. Morrill, Mr. Blaine, Mr. Schenck and others that the tax referred to applied to employer of miners. On this point, Mr. Hooper said : “I hold here in my hand a petition from some fifty laboring miners, who state that the tax of ten dollars is imposed upon them, because by the custom of mining coal it is usual for a miner to have with him a laborer, the miner being paid so much a ton for the coal he raises, out of which he pays the laborer. The assessor claims that the miner employs others, and charges him with the tax of ten dollars.”

Subsequently, the amendment of Mr. Stevens was agreed to by a vote of ayes 57, noes 38, and the paragraph was stricken out. (Cong. Globe, vol. 58, p. 2657, 1st Sess., 39 Cong.)

# A Return to Constitutional Methods.

## Democratic Principles.

A strict adherence to the Constitution is the leading principle of the Democratic party—a party whose theory of construction gave it birth and has preserved it in the affections of the people for nearly one hundred years.

In Washington's Cabinet there was a continual conflict of opinion between the aristocratic Hamilton, then Secretary of the Treasury, and the democratic Jefferson, then Secretary of State, about the construction of the new Constitution. The former advocated a loose construction and strong central power; the latter, strict construction and local self-government.

From these rivalries sprang into existence the two great rival parties which, under one name and another, have continued to the present day.

The difference is fundamental and eternal. It is well described by De Tocquevill in his work on *Democracy in America*, as follows :

### De Tocquevill's Definition.

“When the war of independence was terminated, and the foundations of the new government were to be laid down, the nation was divided between two opinions—two opinions which are as old as the world and which are perpetually to be met with, under different forms and various names in all free communities—the one tending to limit, the other to extend indefinitely the power of the people.”

Temporary questions, such as slavery, know-nothingism, a foreign war, etc., may distract attention from the main issue and even change party names, but when disposed of the fundamental rivalry between local and central power is bound to return. It is well that it does, for the discussion of rival theories of construction tends to keep the people educated in the principles of civil liberty and government.

Such a discussion was never more needed than to-day for the Republican party continues in time of peace a war construction of the Constitution—a drift toward centralization which, if not soon checked, will verge upon imperialism.

The American people should therefore in the present campaign go back to first principles and closely scrutinize the tendencies of the two rival parties.

The Democratic party inherits its love of local and personal liberty from its founder, Thomas Jefferson, and its construction of the Constitution from that greatest of all authorities, James Madison.

### Madison's Rules of Constitutional Construction.

His construction as given in the *Federalist* (No. 38) is as follows :

“First—In order to ascertain the real character of the government, it may be considered in relation to the foundation on which it is to be established; to the sources from which its ordinary powers are to be drawn; to the operation of those powers; to the

extent of them, and to the authority by which future changes in the government are to be introduced.

"On examining the first relation, it appears, on one hand, that the Constitution is to be founded on the assent and ratification of the people of America, given by deputies elected for the special purpose; but, on the other, that this assent and ratification is to be given by the people, not as individuals composing one entire nation, but as composing the distinct and independent States to which they respectively belong. It is to be the assent and ratification of the several States, derived from the supreme authority of each State—the authority of the people themselves. The act, therefore, establishing the Constitution will not be a national, but a federal act.

"That it will be a federal and not a national act, as these terms are understood by the objectors, the act of the people, as forming so many independent States, not as forming one aggregate nation, is obvious from this single consideration, that it is to result neither from the decision of a majority of the people of the Union, nor from that of a majority of the States. It must result from the unanimous assent of the several States that are parties to it, differing no otherwise from their ordinary assent than in its being expressed not by the legislative authority, but by that of the people themselves. Were the people regarded in this transaction as forming one nation, the will of the majority of the whole people of the United States would bind the minority in the same manner as the majority in each State must bind the minority; and the will of the majority must be determined either by a comparison of the individual votes, or by considering the will of the majority of the States as evidence of the will of a majority of the people of the United States. Neither of these rules has been adopted. Each State, in ratifying the Constitution, is considered as a sovereign body, independent of all others, and only to be bound by its own voluntary act. In this relation, then, the new Constitution will, if established, be a federal and not a national constitution.

"The next relation is to the sources from which the ordinary powers of government are to be derived. The House of Representatives will derive its powers from the people of America; and the people will be represented in the same proportion and on the same principle as they are in the Legislature of a particular State. So far the Government is national, not federal. The Senate, on the other hand, will derive its powers from the States, as political and coequal societies, and these will be represented on the principle of equality in the Senate as they now are in the existing Congress. So far the Government is federal, not national. The executive power will be derived from a very compound source. The immediate election of the President is to be made by the States in their political characters. The votes allotted to them are in a compound ratio, which considers them partly as distinct and coequal societies, partly as unequal members of the same society. The eventual election, again, is to be made by that branch of the Legislature which consists of the national Representatives; but in this particular act they are to be thrown into the form of individual delegations from so many distinct and coequal bodies-politic. From this aspect of the Government it appears to be of a mixed character, presenting at least as many federal as national features.

"The difference between a federal and national government, as it relates to the operation of the Government, is by the adversaries of the plan of the convention supposed to consist in this, that in the former the powers operate on the political bodies composing the confederacy, in their political capacities; in the latter, on the individual citizens composing the nation, in their individual capacities. On trying the Constitution by this criterion, it falls under the national, not the federal character; though perhaps not so completely as has been understood. In several cases, and particularly in the trial of controversies to which States may be parties, they must be viewed and proceeded against in their collective and political capacities only. But the operation of the Government on the people, in their individual capacities, in its ordinary and most essential proceedings, may, on the whole, designate it in this relation a national government.

"But if the Government be national with regard to the operation of its powers, it changes its aspect again when we contemplate it in relation to the extent of its powers. The idea of a national government involves in it not only an authority over the individual citizens, but an indefinite supremacy over all persons and things, so far as they are objects of lawful government. Among a people consolidated into one nation this supremacy is completely vested in the National Legislature. Among communities united for particular purposes it is vested partly in the general and partly in the municipal legislatures. In the former case, all local authorities are subordinate to the supreme, and may be controlled, directed, or abolished by it at pleasure. In the latter, the local or municipal authorities form distinct and independent portions of the supremacy, no more subject, within their respective spheres, to the general authority than the general authority is subject to them within its own sphere. In this relation, then, the proposed government cannot be deemed a national one, since its jurisdiction extends to



certain enumerated objects only and leaves to the several States a residuary and inviolable sovereignty over all other objects. It is true that in controversies relating to the boundary between the two jurisdictions, the tribunal which is ultimately to decide is to be established under the General Government. But this does not change the principle of the case. The decision is to be impartially made, according to the rules of the Constitution, and all the usual and most effectual precautions are taken to secure this impartiality. Some such tribunal is clearly essential to prevent an appeal to the sword and a dissolution of the compact; and that it ought to be established under the general rather than under the local governments, or, to speak more properly, that it could be safely established under the first alone, is a position not likely to be combated.

"If we try the Constitution by its last relation to the authority by which amendments are to be made, we find it neither wholly national nor wholly federal. Were it wholly national, the supreme and ultimate authority would reside in the majority of the people of the Union; and this authority would be competent at all times like that of a majority of every national society, to alter or abolish its established government. Were it wholly federal on the other hand, the concurrence of each State in the Union would be essential to every alteration that would be binding on all. The mode provided by the plan of the convention is not founded on either of these principles. In requiring more than a majority, and particularly in computing the proportion by States, not by citizens, it departs from the national and advances toward the federal character. In rendering the concurrence of less than the whole number of States sufficient, it loses again the federal and partakes of the national character.

"The proposed constitution, therefore, even when tested by the rules laid down by its antagonists, is, in strictness, neither a national nor a federal constitution, but a composition of both. In its foundation it is federal not national; in the sources from which the ordinary powers of the government are drawn, it is partly federal and partly national; in the operation of these powers it is national, not federal; in the extent of them again it is federal, not national; and finally in the authoritative mode of introducing amendments it is neither wholly federal nor wholly national."

#### Justice Field's Protest against Centralization.

The Democratic distinction between State and central power was recently and ably stated by that distinguished Democratic jurist, Justice Field, of the United States Supreme Court. In a dissenting opinion, he said:

"The government created by the Constitution was not designed for the regulation of matters of purely local concern. The States required no aid from any external authority to manage their domestic affairs. They were fully competent to provide for the due administration of justice between their own citizens in their own courts, and they needed no directions in that matter from any other government, any more than they needed directions as to their highways and schools, their hospitals and charitable institutions, their public libraries, or the magistrates they should appoint for their towns and counties. It was only for matters which concerned all the States, and which could not be managed by them in their independent capacity, or managed only with great difficulty and embarrassment, that a general and common government was desired. Whilst they retained control of local matters, it was felt necessary that matters of general and common interest, which they could not wisely and efficiently manage, should be entrusted to a central authority. And so to the common government which grew out of this prevailing necessity was granted exclusive jurisdiction over external affairs, including the great powers of declaring war, making peace and concluding treaties; but only such powers of internal regulation were conferred as were essential to the successful and efficient working of the government established; to facilitate intercourse and commerce between the people of the different States, and secure to them equality of protection in the several States.

"When the government of the confederation failed, chiefly through the want of all coercive authority to carry into effect its measures, its power being only that of recommendation to the States, and the present Constitution was adopted, the same general ends were sought to be attained, namely, the creation of a central government, which would take exclusive charge of all our foreign relations, representing the people of all the States in that respect as one nation, and would at the same time secure at home freedom of intercourse between the States, equality of protection to citizens of each State in the several States, uniformity of commercial regulations, a common currency, a standard of weights and measures, one postal system, and such other matters as concerned all the States and their people.

Accordingly, the new government was invested with powers adequate to the accomplishment of these purposes, with which it could act directly upon the people, and not by recommendation to the States, and enforce its measures through tribunals and officers of its own creation. There were also restraint placed upon the action of the States to prevent interference with the authority of the new government and to secure to all persons protection against punishment by legislative decree, and insure the fulfillment of contract obligations. But the control of matters of purely local concern, not coming within the scope of the powers granted or the restraints mentioned was left, where it had always existed, with the States. The new government being one of granted powers, its authority was limited by them and such as were necessarily implied for their execution. But lest from a misconception of their extent these powers might be abused, the tenth amendment was at an early day adopted, declaring that 'the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.'

Now, if we look into the Constitution we shall not find a single word from its opening to its concluding line, nor in any of the amendments in force before the close of the civil war, nor, as I shall hereafter endeavor to show, in those subsequently adopted, which authorizes any interference by Congress with the States in the administration of their governments, and the enforcement of their laws with respect to any matter over which jurisdiction was not surrendered to the United States. The design of its framers was not to destroy the States, but to form a more perfect union between them, and whilst creating a central government for certain great purposes, to leave to the States in all matters, the jurisdiction of which was not surrendered, the functions essential to separate and independent existence. And so the late Chief Justice, speaking for the court in 1869, said: 'Not only, therefore, can there be no loss of separate and independent autonomy to the States, through their union under the Constitution, but it may not be unreasonably said that the preservation of the States, and the maintenance of their governments, are as much within the design and care of the Constitution as the preservation of the Union and the maintenance of the National Government,' and then he adds, in that striking language which gives to an old truth new force and significance, that 'the Constitution, in all its provisions, looks to an indestructible Union composed of indestructible States.'"

### Horatio Seymour on State and Federal Powers.

Another and admirable statement of our theory of government was given by that great Democratic statesman, Ex-Governor Seymour, of New York, in an article entitled "The Government of the United States," published in the *North American Review* in 1878. We quote from it as follows:

"Let us place ourselves where our fathers stood when they worked out our political system, and thus learn what they meant to do. A people thinly scattered over a continent, living under opposite conditions of climate, production and domestic habits, were to be united for purposes of common defense and welfare. This could only be done by securing to each section of a vast region laws which would promote the prosperity of every part. Where was the wisdom to frame the laws to meet the wants so diversified and conflicting? They knew from experience that kings, lords, and commons, could not do it. Their failures led to the revolution. They claimed no wisdom superior to that of Parliament, for that was the period when a host of orators and statesmen made Parliament glorious in British annals. The colonies were practically as remote from each other as from Britain, when obstacles to intercourse were taken into account. The necessities of the case forced our fathers to frame their State and general governments upon principles the reverse of those which usually mark the polity of nations. Their theory takes away control from political centers, and distributes it to the various points that are most interested in its wise and honest exercise. It keeps at every man's home the greatest share of the political power that concerns him individually. It yields it to the remoter legislative bodies in diminishing proportions as they recede from the direct influence and action of the people. The local self-government under which our country is expanding itself over a continent, without becoming weak by its extension, is founded on these propositions. That government is most wise which is in the hands of those best informed about the particular questions on which they legislate; most economical and honest, when controlled by those most interested in preserving frugality and virtue; most strong when it only exercises authority which is beneficial in its action to the governed. These are obvious truths, but how are they to be made available for practical purposes? It is in this that the wisdom of our institutions consists. In their progress, they are developing truths in government which have not only disappointed the hopes of our enemies, but dissipated the fears of our friends.

"The good order of society, the protection of our lives and our property, the promotion of religion and learning, the enforcement of statutes, or the upholding of the unwritten laws of just moral restraints mainly depend upon the wisdom of the inhabitants of townships. Upon such questions, so far as they particularly concern them, the people of the towns are more intelligent and more interested than those outside of their limits can be. The wisest statesmen living and acting at the city of Washington cannot understand these affairs, nor can they conduct them so well as the citizens upon the ground, although they may be unlearned men. What is true of one town is true of the other ten thousand towns in the United States. When we shall have twenty thousand towns, this system of government will in no degree become overloaded or complicated. There will be no more then for each citizen to do than now. Our town officers in the aggregate are more important than Congressmen or Senators. Hence the importance to our government of religion, morality, and education, which enlighten and purify the governed and the governors at the same time, and which must ever constitute the best securities for the advancement and happiness of our country. Township powers and duties educate and elevate those who exercise them. The next organizations in order and importance are boards of county officers, who control questions of a local character, but affecting a greater number than the inhabitants of single towns. The people of each county are more intelligent and more interested in what concerns their own affairs than any amount of wisdom or of patriotism outside of it. The aggregate transactions of county officers are more important than those of our State Legislatures. When we have secured good government in towns and counties, most of the objects of government are gained. In the ascending scale of rank, in the descending scale of importance, is the Legislature, which is or should be limited to State affairs. Its greatest wisdom is shown by the smallest amount of legislation, and its strongest claims for gratitude grow out of what it does not do. Our general government is remarkable for being the reverse of every other. Instead of being the source of authority, it only receives the remnant of power after all that concerns town, county, and state jurisdictions has been distributed. Its jurisdiction, although confined within narrow limits, is of great dignity, for it concerns our national honor and provides for the national defense. We make this head of our system strong when we confine its action to those objects which are of general interest, and prevent its interference with subjects upon which it cannot act with intelligence. If our general government had the power which is now divided between town, county and State jurisdiction, its attempts at their exercise would shiver it into atoms. If it were composed of the wisest and purest men the world ever saw, it could not understand all the varied interests of a land as wide as all Europe, and with as great a diversity of climate, soil and social condition. The welfare of the several communities would be sacrificed to the ignorance or prejudices of those who had no direct concern in the laws they imposed upon others.

"The theory of self-government is not founded upon the idea that the people are necessarily virtuous and intelligent, but it attempts to distribute each particular power to those who have the greatest interest in its wise and faithful exercise. Such distribution is founded on the principle that persons most interested in any matter manage it better than wiser men who are not interested. Men act thus in their private concerns. When we are sick, we do not seek the wisest man in the community, but the physician who is best acquainted with our disorder and its remedies. If we wish to build, we seek not the most learned man, but the man most skillful in the kind of structure we desire to erect, and if we require the services of an agent, the one is best for us who is best acquainted with our wants, and most interested in satisfying them. The Bible intimates this course when it says that a man can judge better in relation to his own affairs than seven watchmen on a high tower. This principle not only secures good government for each locality, but it also brings home to each individual a sense of his rights and responsibilities; it elevates his character as a man; he is taught self-reliance; he learns that the performance of his duty as a citizen is the corrective for the evils of society, and is not led to place a vague, unfounded dependence upon legislative wisdom. It not only makes good government, but it also makes good manhood. Under European governments but few feel that they can exert any influence upon public morals or affairs; here every one knows that his character and conduct will at least affect the character of the town in which he lives. While the interests of each section are thus secured, and the citizen is educated by duties, the general government is strengthened and made enduring by lifting it above invidious action, and making it the point about which rally the affections and pride of the American people, as the exponent to the world at large of our common power, dignity, and nationality."



## Republican Tendencies.

In marked contrast with the theory of government as above defined by the great leaders of the Democratic party is the centralization tendency of its Republican rival. That party inherits much of the objectionable doctrines which Hamilton advocated in the Convention which framed the Constitution, but which, fortunately, were not stamped upon that instrument.

### Hamilton's Theory of Government.

In Madison's notes on the proceedings of the Convention, he reports the substance of one of Hamilton's speeches as follows :

"The general power, whatever be its form, if it preserves itself, must swallow up the State powers, otherwise it will be swallowed up by them. It is against all the principles of a good government to vest the requisite powers in such a body as Congress. Two sovereignties cannot exist within the same limits. Giving powers to Congress must eventuate in a bad government, or in no government. The plan of New Jersey, therefore, will not do. What then is to be done? Here he was embarrassed. The extent of the country to be governed discouraged him. The expense of a general government was also formidable; unless there were such a diminution of expense on the side of the State governments as the case would admit. If they were extinguished, he was persuaded that great economy might be obtained by substituting a general government. He did not mean, however, to shock the public opinion by proposing such a measure. On the other hand, he saw no *other* necessity for declining it. They are not necessary for any of the great purposes of commerce, revenue, or agriculture. Subordinate authorities, he was aware, would be necessary. There must be district tribunals; corporations for local purposes. But *cui bono* the vast and expensive apparatus now appertaining to the States? The only difficulty of a serious nature which occurred to him, was that of drawing representatives from the extremes to the centre of the community. What inducements can be offered that will suffice? The moderate wages for the first branch could only be a bait to little demagogues. Three dollars, or thereabouts, he supposed, would be the utmost. The Senate, he feared, from a similar cause, would be filled by certain undertakers, who wish for particular offices under the government.

"This view of the subject almost led him to despair that a republican government could be established over so great an extent. He was sensible at the same time, that it would be unwise to propose one of any other form. In his private opinion, he had no scruple in declaring, supported as he was by the opinion of so many of the wise and good, that the British government was the best in the world; and that he doubted much whether anything short of it would do in America. He hoped gentlemen of different opinions would bear with him in this, and begged them to recollect the change of opinion on this subject which had taken place, and was still going on. It was once thought that the power of Congress was amply sufficient to secure the end of their institution. The error was now seen by every one. The members most tenacious of republicanism, he observed, were as loud as any in declaring against the vices of democracy. This progress of the public mind led him to anticipate the time when others as well as himself would join in the praise bestowed by Mr. Neckar on the British constitution—namely, that it is the only government in the world 'which unites public strength with individual security.'

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"As to the executive, it seemed to be admitted that no good one could be established on republican principles. Was not this giving up the merits of the question; for can there be a good government without a good executive? The English model was the only good one on this subject. The hereditary interest of the King was so interwoven with that of the nation, and his personal emolument so great that he was placed above the danger of being corrupted from abroad; and at the same time was both sufficiently independent and sufficiently controlled to answer the purpose of the institution at home. One of the weak sides of republics was their being liable to foreign influence and corruption. Men of little character, acquiring great power, became easily the tools of intermeddling neighbors. Sweden was a striking instance. The French and English had each their parties during the late revolution which was affected by the predominant influence of the former. What is the inference from all these observations? That we ought to go as far, in order to attain stability and permanency, as republican principles will admit. Let one branch of the legislature hold their places for life, or at least during good behavior. Let the executive also be for life."



Towards the close of the Convention, Hamilton handed to Madison a plan of a constitution in accordance with his own ideas.

Art. VIII., sec. 1, contains the following :

"The governor or president of each state shall be appointed under the authority of the United States ; and shall have a right to negative all laws about to be passed in the state of which he shall be governor or president, subject to such qualifications and regulations as the legislature of the United States shall prescribe."

The Republican party is thoroughly imbued with the spirit of this doctrine. It does not seem to be aware that the war is over. Its rapid drift toward centralization, aristocracy and monopolies, is indeed cause for alarm, and calls for an emphatic protest by the people at the coming Presidential election.

#### Blaine's Revenue-Centralization Scheme.

Not to be outdone by his party in the reckless advance toward centralization, Mr. Blaine has—not extemporaneously and unadvisedly, but in writing and deliberately—devised a scheme of "paternal government" of a most objectionable nature. We refer to his plan for the collection of revenues to be distributed among the States. Hon. James Speed, of Kentucky, who was the Attorney of the United States in President Lincoln's Cabinet, recently said of it :

His letter about the surplus revenue is monstrous. It shows him to be as unsafe in his view of the framework of our government as he is in regard to international law. It is charitable to say the letter is the child of ignorance, for if not it is the child of demagoguery.

The letter is as follows :

AUGUSTA, Me., Nov. 22, 1883.

CHARLES EMORY SMITH, ESQ., *Editor Press.*

MY DEAR SIR : I have your note inquiring if I should be willing to give, in the more authentic form of a letter over my own signature, certain views which I expressed in conversation several weeks since touching an important financial question. I understand you refer to some observations I made to one of your assistant editors in regard to the proposition to the Republican State Convention of Pennsylvania for the distribution of the surplus revenue of the National Treasury among the States. I understand you to refer still more particularly to a suggestion of my own as a substitute for the Pennsylvania proposition, to which I thought I saw fatal objections. I have no reason for withholding my views, and I admit the wisdom of your suggestion that I would better state them myself than to have them possibly misstated by others.

The proposition of the Pennsylvania Republican Convention is to distribute "among the States any surplus in the National Treasury that may arise from a redundant revenue." The first objection which I see to this proposition is the utter uncertainty of the amount of "redundant revenue." It may be one million or it may be one hundred millions. The amount, depending as it does on so many contingencies, cannot be determined in advance with even approximate exactness, and the States could not therefore depend upon a steady resource. Unless steady, it would not bring relief, because it would not enable the States to dispense with any part of their own systems of taxation. An occasional gift from the National Treasury would not be valuable. That was proved by the distribution of the revenue under the act of 1836 in the Presidency of Gen. Jackson. It did no good. It was frittered away in all the States. Here in Maine they made an absolute per capita distribution of it among the entire population—a trifling sum to each. That of course threw contempt upon the whole measure.

There is a second objection to the Pennsylvania proposition which in my judgment is still more serious. If you simply resolve to distribute the "redundant national revenue" among the States, you impose on Senators and Representatives a divided interest which would be embarrassing and hurtful. For the benefit of their States—especially of those States that might be in pressing need of money—Senators and Representatives would desire the "redundant revenue" to be as large as possible. This would present a constant temptation to withhold appropriations from objects of a really National character. It would be unfair to Senators and Representatives to lay upon them and before them obligations and motives which would constantly tend to turn them from the straight path of duty to the National government. You cannot have the National government and

the State governments joint owners in the same treasury without mischievous conflict. Such a partnership is at war with the well-being of both State and Nation.

A third objection to the Pennsylvania proposition is that it proceeds upon the assumption of a continuing redundancy of National revenue. This is opposed to all sound views of administration. The Government wants just enough revenue. A redundancy always leads to extravagance, to many forms of corruption, and to all manner of schemes for getting rid of the money. A Congress assembling with tens of millions of surplus at its disposal, would be very sure to hold sessions which would prove profitless to the people and perilous to its own members. Since the war closed we have had no embarrassing redundancy of revenue because the payment of the National debt has afforded at once the readiest and the wisest mode of appropriating every dollar not needed for the current expenses of the Government.

The time is rapidly approaching, however, when, by the terms in which the National debt is funded, the payment of the remainder must of necessity be postponed for years—the largest part of it, indeed, to the next century. This brings with it the necessity of reducing the National revenue. The present system of taxation is yielding more than a hundred millions beyond the amount required for the ordinary expenses of government. Its reduction will soon become an imperative duty. Indeed, a strong movement is already on foot for the repeal of the entire system of internal revenue—on the assumption, which is justified by fact, that receipts from customs will afford abundant revenue for the needs of the Government. The Protectionists desire this, but not they alone. Judge Kelley is not more earnestly in favor of it than is Mr. Cox of New York, who is a most intelligent representative of the free trade interest. Many of the leading free traders in Congress are opposed to the continuation of the tax on spirits. It is, therefore, quite evident—it is at least highly probable—that a coalition of men holding antagonistic views on the question of protection, will at the first opportunity effect the abolition of the system of internal revenue.

This conjuncture of circumstances gives, in my judgment, a rare opportunity to relieve taxation in the States. And it is under the State governments that taxation is felt most severely. The National government has the benefit of easy because indirect forms of taxation. It is the direct tax that is felt to be oppressive. At the beginning of the war the National government levied a direct tax of twenty millions of dollars upon the States—about sixty-six cents per capita on the whole population. It frightened the people, and the effect was so depressing that all kinds of composition and adjustment were invented to avoid payment. But, concurrently with the fright occasioned by the direct tax, hundreds of millions were raised in a single year by customs and by excise without a word of protest or a sense of hardship.

Our State and municipal taxation is direct. It comes upon the property with crushing force. There are few communities in the United States that pay so little as one per cent. per annum on the actual value of their real property. There are many communities that pay more than two per cent. on the actual value. The houses, the farms, the factories, the stores, the shops, all feel it as a heavy burden—a burden unrelieved by any form of indirect taxation. Why, therefore, should not the States be permitted to have the tax on spirits for their own benefit if the National government does not need it? The National and State governments, as I think I have shown, cannot safely share the same revenue, but if the National government has no longer need of the tax on spirits, why should not the entire amount which it yields annually be paid over to the States? Could it be regarded as wise statesmanship to continue the heavy, oppressive direct tax on all property under the State governments, and at the same time command a hurtful luxury like spirits to go free? That would be a folly which no other government on the globe could by any possibility commit. The tax on spirits oppresses no one. It is paid only by the consumer, and the most extreme advocate of temperance cannot maintain that taxing the article increases its consumption.

The National Government has an absolute monopoly of the revenue from customs, for the States are forbidden by the Constitution to levy a tax on imports. The excise tax was left open both to the National and State governments. But as matter of fact, it is only the National Government that can effectively levy and collect it. Should the State of Illinois, for instance, attempt to levy an excise tax on whiskey, the distilleries would be removed across the river to Missouri. Each State in turn that attempts to collect an excise tax would find itself baffled and disabled. It is only the National Government that can do it, and the National Government can do it for the benefit of all the States. Instead, therefore, of repealing the tax on spirits, the National Government can assign it to the States in proportion to their population. The machinery of collection is to-day in complete operation. A bill of ten lines could direct the Secretary of the Treasury to pay the whole of it—less the small expense of collection—to the States and Territories in the proportion of their population, and to continue it permanently as part of the regular annual revenue of the States.

The amount yielded by the tax on spirituous and malt liquors last year was over eighty-six millions of dollars (\$86,000,000). On the basis of the census of 1880 it would pay about one dollar and seventy-five cents per capita to all the people. The tendency would be to increase rather than to diminish this ratio as time wore on. Illicit distilleries would disappear when every State and every town should come to realize that it was being defrauded of its own revenue by permitting or winking at the violation of law. On the basis of one dollar and seventy-five cents per head the relief of the States would be very great. I append a table showing what each State would receive on the basis of the present revenue.\*

In considering the measure, as I have very carefully for some months, I may possibly have overlooked objections which others may suggest. But the more I have reflected upon it the more evident it has become to my mind that it is wiser to tax whiskey than to tax farms and homesteads and shops, and that it would be an act of incalculable folly to remit the eighty-six millions of dollars instead of giving it to the States for the relief of oppressive local taxation.

I trust I have made the difference between this proposition and the Pennsylvania proposition sufficiently plain. The one I have suggested gives the revenue from a specified tax to the States and does not depend on a chance surplus or an accidental remainder in the National treasury. It makes the tax on spirituous and malt liquors a permanent resource to all the States, enabling them thereby to definitely readjust and reduce their own taxation. Each State could wisely use its own share for the relief of its own situation. In Maine, for example, our share would enable us to repeal absolutely the State tax proper, leaving only the county and town taxes upon the people. In your State of Pennsylvania, where licenses support the State government, the cities and towns could receive pro rata the seven and a half millions that would fall to your share. Your own city of Philadelphia would receive nearly a million and a half per annum. States that have been so oppressed by debt as to be tempted or driven to repudiation, would regain their credit, and every community, from ocean to ocean, would, in one form or another, realize that burdens of taxation were in some degree ameliorated. I believe the measure would prove a "great beneficence" to the people in all parts of the Republic.

Very respectfully,

JAMES G. BLAINE.

\* NOTE—The following table will show the amount which each State and Territory would receive under the distribution outlined in the preceding letter. The amount is given in round thousands :

#### STATES.

Alabama.....	\$2,208,000	Mississippi.....	\$1,980,000
Arkansas.....	1,405,000	Missouri.....	3,794,000
California.....	1,557,000	Nebraska.....	791,000
Colorado.....	340,000	Nevada.....	100,000
Connecticut.....	1,188,000	New Hampshire.....	605,000
Delaware.....	255,000	New Jersey.....	1,980,000
Florida.....	470,000	New York.....	8,893,000
Georgia.....	1,598,000	North Carolina.....	2,450,000
Illinois.....	5,285,000	Ohio.....	5,596,000
Indiana.....	3,461,000	Oregon.....	\$215,000
Iowa.....	2,884,000	Pennsylvania.....	7,493,000
Kansas.....	1,743,000	Rhode Island.....	483,000
Kentucky.....	2,884,000	South Carolina.....	1,742,000
Louisiana.....	1,644,000	Tennessee.....	2,698,000
Maine.....	1,134,000	Texas.....	2,785,000
Maryland.....	1,634,000	Vermont.....	581,000
Massachusetts.....	3,120,000	Virginia.....	2,646,000
Michigan.....	2,863,000	West Virginia.....	1,081,000
Minnesota.....	1,365,000	Wisconsin.....	2,301,000

#### TERRITORIES.

Arizona.....	\$70,000	Utah.....	\$251,000
Dakota.....	236,000	Washington.....	121,000
Idaho.....	57,000	Wyoming.....	36,000
Montana.....	69,000	District of Columbia.....	310,000
New Mexico.....	208,000		

## The Centennial of the Constitution.

The Constitution was framed in 1787, then submitted to the States for adoption, and the new government which it created formally inaugurated on the 4th of March, 1789.

The incoming administration will then remain in office until the hundredth anniversary of its adoption, and must prepare a fitting celebration of that great event.

The natural effect will be a revival of interest in Constitutional history and principles and a popular demand for a return to Constitutional methods of government. Strict adherence and loyalty to that great organic law will be the standard by which political parties will be judged.

Such a criterion should be adopted by the people during the present campaign, in order that the party which has ever construed the Constitution strictly in their favor as against the pernicious theory of centralization and imperialism, may put an end to war constructions in time of peace, and prepare to inaugurate the second century of its existence with their accustomed respect and reverence for that immortal document—a production which the foremost statesman of Europe has justly termed “the most wonderful work ever struck off at a given time by the brain and purpose of man.”

There are thousands and tens of thousands of Independent and Republican voters who prefer the Jeffersonian or Democratic theory of local self-government to imperial tendencies, but who because of temporary and sectional issues have in the past affiliated with the Republican party. Happily those disturbing issues are dead and buried and the independent and intelligent masses are now considering first principles and drifting toward the wisely framed and popular platform of Jefferson and Madison.

To them the Democratic party cordially extends the right hand of fellowship and welcomes their co-operation in the coming return to Constitutional methods.



# Administrative Reform.

## Open the Books.

"We need to have the books in the government offices opened for examination," said our candidate for Vice-President, Thomas A. Hendricks, when he returned to his people on July 12th, 1884, laden with the honors heaped upon him at Chicago. In a sentence he expressed a leading thought of this campaign.

In the month of January, 1876, Senator Davis, of West Virginia, called the attention of the Senate of the United States to the changes and alterations in the Finance Reports, books and accounts of the Treasury Department, both by resolution and speech. He asked then for a committee of investigation, but the Republican Senate refused the appointment, and referred the resolution to the Standing Committee on Finance, which Committee accepted and presented, as its report, the explanatory letter of the Republican Secretary of the Treasury. This ended action in the Forty-fourth Congress. On the assembling of the Forty-fifth Congress, Senator Davis renewed his resolution, and this time was successful in obtaining the appointment of a committee, of which he was made the Chairman. The report following the investigation (46th Congress, 2d Session, Report No. 539) shows a most extraordinary condition of affairs, and, alone, amply justifies the demand of Senator Hendricks for the opening of the books of the government offices for examination.

### WHAT IS THE REGISTER OF THE TREASURY ?

The Register of the Treasury is the official bookkeeper of the government, and has been from its organization; he has charge of the great account books of the United States, which show, or ought to, every receipt and disbursement, and from which statements are annually made for transmission to Congress. This fact should be borne in mind for its relation to what follows:

It is and has been the custom and requirement that the Finance Report to Congress should state the public debt for each year of the existence of the government. In 1871 it was noted that the report of that year very widely differed from the Report of 1870; as to years from 1833 to 1870 inclusive. Prior to 1833, they agreed. The differences involve many million dollars.

### AND WHY ?

Up until the year 1870 the Register of the Treasury alone made the statement of the public debt, but in that year the Secretary of the Treasury made one as

well, and his report and that of the Register did not agree; the discrepancies of the respective tables of statement excited unfavorable comment in the financial circles of England as well as this country, according to an Assistant Secretary of the Treasury. As a consequence, the Register was ordered to make changes in his table so as to make it conform with that of the Secretary, or to omit it altogether.

#### AN EXTRAORDINARY ORDER.

Here is the letter of order (see testimony of Register Schofield, p. 5):

"TREASURY DEPARTMENT,  
"November 24, 1871.

"SIR: I have to request that the statement of the public debt on the 1st day of January in each of the years from 1791 to 1842, inclusive, and at various dates in subsequent years, to July 1, 1870, as printed on page 276 of the Finance Report for 1870, may be omitted from your tables in the forthcoming reports, or else that it be corrected to conform to Table II on page xxv of the same report for the same year.

"This request is made in consequence of a letter from the Assistant Secretary of the Treasury, now in London, who complains that these different tables are frequently referred to in England, and the discrepancies between them constantly and unfavorably commented upon.

"The table found on page xxv is, I believe, as nearly correct as the examination of the accounts up to the present time will enable it to be made, though I am under the impression there will be some changes necessary in order to make it absolutely reliable.

"Very respectfully,

"J. H. SAVILLE,  
*Chief Clerk.*

"Hon. JOHN ALLISON,  
"Register of the Treasury."

This order certainly was a most singular one, for it commanded the Register of the Treasury, the bookkeeper of the government, either to falsify the results of his books, or to omit a practice which, if it had not the sanction of law, certainly had that of a long standing custom—a custom as old as the government itself, and therefore quite as binding. But the order was obeyed, and the Register's table of statement of the public debt for 1871 presented a wide discrepancy when compared with the one presented by himself in 1870.

This difference is what?

Large enough to startle even a Republican financier?

**\$247,767,341.66.**

Below is presented the extraordinary statement, now a part of the records of the United States Senate:

## STATEMENT F.—PREPARED BY SENATE COMMITTEE ON TREASURY ACCOUNTS.

*Secretary's and Register's tabulated statements of the public debt for the fiscal years 1833 to 1870, inclusive.*

Copied from the Finance Reports of 1870 and 1871.

Year.	Secretary's state- ment, Finance Report, 1870, page xxv.	Register's state- ment, Finance Report, 1870, page 276.	Secretary's compared with Register's.		Register's state- ment, Finance Report, 1871, page 268.	Year.
			Increase.	Decrease.		
1833.....	\$7,001,698 83	\$7,001,033 88	\$665 95		\$7,001,698 83	1833
1834.....	4,769,982 08	4,769,081 08	1 00		4,769,982 08	1834
1835.....	37,513 05	351,289 05		\$413,776 00	37,513 05	1835
1836.....	336,957 87	291,089 05		45,868 78	336,957 87	1836
1837.....	3,308,121 07	1,875,223 55	1,429,900 52		3,308,121 07	1837
1838.....	10,131,221 14	4,857,660 46	5,576,560 68		10,131,221 14	1838
1839.....	3,573,313 82	11,983,737 53		8,410,393 71	3,573,313 82	1839
1840.....	5,250,875 54	5,125,077 63	125,797 91		5,250,875 54	1840
1841.....	13,591,480 73	6,737,398 00	6,857,082 73		13,591,480 73	1841
1842.....	20,601,226 28	15,028,186 37	5,572,799 91		20,601,226 28	1842
1843.....	32,712,922 00	27,203,450 69	5,539,171 31		32,712,922 00	1843
1844.....	23,461,652 50	21,718,188 23		1,286,535 73	23,461,652 50	1844
1845.....	15,925,303 01	17,093,791 88		1,168,491 79	15,925,303 01	1845
1846.....	15,550,292 97	16,750,926 33		1,200,723 36	15,550,292 97	1846
1847.....	38,826,531 77	38,956,623 38		130,088 61	38,826,531 77	1847
1848.....	47,041,862 23	48,526,379 37		1,181,517 14	47,041,862 23	1848
1849.....	63,061,858 69	61,701,693 71		1,612,835 02	63,061,858 69	1849
1850.....	63,452,773 55	61,228,238 27		775,464 82	63,452,773 55	1850
1851.....	68,301,796 02	62,560,395 26	5,741,400 76		68,301,796 02	1851
1852.....	66,199,341 71	65,131,692 13	1,067,649 58		66,199,341 71	1852
1853.....	59,803,117 70	67,349,628 78		7,537,511 08	59,803,117 70	1853
1854.....	42,242,232 42	47,242,206 05		4,999,983 63	42,242,232 42	1854
1855.....	35,586,956 56	39,969,731 05		4,382,774 49	35,586,956 56	1855
1856.....	31,972,537 90	30,963,909 64	1,608,628 26		31,972,537 90	1856
1857.....	28,699,831 85	29,060,286 90		360,555 05	28,699,831 85	1857
1858.....	41,911,881 03	44,310,777 66	1,103 37		41,911,881 03	1858
1859.....	58,496,837 88	58,755,699 33		257,861 45	58,496,837 88	1859
1860.....	61,812,287 88	61,769,703 08	72,584 80		61,812,287 88	1860
1861.....	90,580,873 72	90,867,828 68		286,954 96	90,580,873 72	1861
1862.....	524,176,412 13	514,211,371 92	9,965,040 21		524,176,412 13	1862
1863.....	1,119,772,128 63	1,098,793,181 37	20,978,957 26		1,119,772,128 63	1863
1864.....	1,815,784,370 57	1,740,690,489 49	75,093,881 08		1,815,784,370 57	1864
1865.....	2,680,647,869 74	2,682,593,026 53		1,944,156 79	2,680,647,869 74	1865
1866.....	2,773,236,173 69	2,783,425,879 21		10,189,705 52	2,773,236,173 69	1866
1867.....	2,678,126,103 87	2,692,199,215 12		14,073,111 25	2,678,126,103 87	1867
1868.....	2,611,687,851 19	2,636,320,964 67		24,633,113 48	2,611,687,851 19	1868
1869.....	2,588,452,213 94	2,189,002,480 58	99,449,733 36		2,588,452,213 94	1869
1870.....	2,480,672,427 81	2,386,358,599 74	94,313,828 07		2,480,672,427 81	1870
Total.	20,233,160,879 33	19,985,393,537 67	332,843,895 54	85,076,553 88	20,233,160,879 33	
Difference.	217,767,341 66		217,767,341 66		217,767,341 66	
Difference, or increase, in Secretary's state- ment, as compared with Register's state- ment.....			247,767,341 66			

## WHERE LAYS THE POWER TO ORDER A CHANGE ?

When Register Schofield was under examination before the Committee the following testimony was elicited (see testimony, page 9) :

By Mr. BECK

\* \* \* \* \*

Q. The Constitution of the United States, in the 7th clause of section 9, article 1, provides that "no money shall be drawn from the Treasury but in consequence of appropriations made by law ; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time ;" and section 313 of the Revised Statutes of the United States makes it the

duty of the Register "to keep all accounts of the receipts and expenditures of the public money, and of all debts due to or from the United States." Now please state by what authority, if any, the Secretary or his chief clerk, or anybody else, could direct the Register either to change his reports or conform them to any view that the Secretary or any one else might have as to the proper mode of keeping and publishing them?—A. I suppose the Secretary has authority to prescribe the manner in which the accounts shall be kept, but I do not suppose that any Secretary has the right to alter the books of the Treasury, and I have always understood that that was never done.

Q. Admitting that the Secretary had the right to prescribe rules for the future action of the Register, had he any sort of authority to give orders as to how past events should be stated or past records changed after they had been published and submitted to Congress under the constitutional requirement?—A. I think that would be a question which your committee ought to answer in your report.

By the CHAIRMAN :

\* \* \* \* \*

Q. Are you not as Register the official bookkeeper of the government, and final custodian of all warrants and vouchers, whatever may have been paid for any expenditure or receipt of the government?—A. Yes, sir.

Q. Can any money be received into or paid out of the Treasury without a warrant going through your office?—A. Moneys are received into the Treasury by warrants and paid out on warrants, which by the act of 1789, Rev. Stat., sec. 305, must be drawn by the Secretary, countersigned by the Comptroller, and registered by the Register.

Q. I ask the general question whether any money can be paid out or received into the Treasury without the warrant going through your office?—A. It cannot.

Q. You keep all accounts of the government, do you not, where money, or bonds, or anything which relates to the financial condition of the government is concerned?—A. Yes, sir.

Q. When was the Register's office established?—A. At the beginning of the government, by the act of 1789.

Q. When was the Secretary's office as a warrant division established?—A. The Secretary always issued the warrants, but I think the warrant division as it now exists is of recent origin.

Q. Can you give us the time?—A. I cannot without looking it up; I think about 1870.

This order of the Secretary of the Treasury resulted in an increase of over \$247,000,000 in the public debt, as shown by the statement of it for the year 1871, going back to the year 1833, though during those years the statements made to Congress purported to be an accurate transcript of the books of the Register.

#### THE MODE OF STATING THE PUBLIC DEBT.

It appears that after 1870, in accordance with the order of the Secretary, there was a difference in the mode of stating the public debt. How these changes were made is well shown by William Guilford, who in the Register's Office had charge of making up the Receipts and Expenditures of the government. His testimony is as follows (see testimony, pp. 25 and 26) :

\* \* \* \* \*

Q. Did you prepare that statement for the committee in the Register's office (handing to witness statement marked "Statement No. 2"), being a "statement of the Receipts, Expenditures and outstanding principal of the Public Debt, interest, and premium paid from 1860 to 1877, inclusive, compiled from the books in the Register's office"?—A. Yes, sir; I prepared that with my own hands.

\* \* \* \* \*

Q. I see in a column headed "Amounts to be added to receipts," marked "b," \$2,019,776.10; and another one marked "c," \$1,000,000; and then one marked "d," \$3,271,051.69, making a total of \$6,293,827.79, which you say is "to be added to receipts." What is meant by that?—A. That is in accordance with the Secretary's Report of 1871. Those amounts do not appear upon our books. They



are added in accordance with the Secretary's order, in order to harmonize the two, as is shown in the report of 1871.

Q. I understand that these three items, amounting to between six and seven million dollars, do not appear upon your books?—A. They do not.

Q. But are added here by order of the Secretary?—A. So I understand.

Q. How did you state the debt for 1870 and previously?—A. I did not state it myself, but it was stated by the Issues and Redemptions.

Q. How has it been stated since?—A. It has been stated since by Receipts and Expenditures, and the table has been revised in accordance.

Q. In the revision you speak of, you changed the amounts as they had previously been reported from your office, commencing with 1833?—A. Yes, sir.

By Mr. ALLISON:

Q. Do I understand that you have charge of the books in the Register's office showing the Receipts and Expenditures of the government?—A. No, sir; I compile from the books the Receipts and Expenditures.

Q. It is a part of your duty, then, to make up a tabulated statement annually of the Receipts and Expenditures from the books of the Register?—A. Yes, sir.

#### A GREATER MAN THAN HAMILTON.

Alexander Hamilton, when Secretary of the Treasury, adopted the system of stating the public debt by "Issues and Redemptions," but Secretary Boutwell, being a greater man, changed the Hamiltonian system in 1870 to "Receipts and Disbursements," with a consequent result of increasing the public debt statement by over \$247,000,000. The testimony of Major Power, then Chief Clerk of the Treasury Department (p. 61), shows that not only an accurate statement could be made up from the Issues and Redemptions alone, but that it was the best way.

Why was the change in the mode of statement made? No improvement is the result, but upon the contrary a confusion most vexatious, as the following will show:

#### DIFFERENCE BETWEEN RECEIPTS AND EXPENDITURES.

Major Power testifies (see testimony, pp. 80 and 81):

By the CHAIRMAN:

\* \* \* \* \*

Q. Look at the report of 1871, at page 20, and state what the total receipts of the government up to June 30, 1871, were.—A. The total receipts received into the Treasury on account of loans were \$7,094,541,041.38.

Q. The net expenditures?—A. \$4,857,434,540.51, leaving a balance of \$2,237,106,500.87.

Q. State what the difference is between that and the actual amount of the public debt at that time?—A. The actual public debt was \$2,353,211,332.32.

Q. What is the difference between the actual debt and what it would appear to be on the basis of Receipts and Expenditures?—A. \$116,104,831.45.

Q. If Receipts and Expenditures were the true way to keep the public debt, ought not the difference between Receipts and Expenditures to have shown the actual amount of the public debt?—A. It should have shown the actual amount of the public debt plus the amount of loans or bonds issued for which no receipts came into the Treasury.

Q. You have said that it does not state the true amount of the public debt by \$116,000,000, in round numbers. What is the reason why it does not show the true amount?—A. On account of the loans that were issued and redeemed afterwards, for which no receipts came into the Treasury, and various items of discounts, premiums, and interest charged as principal.

Q. If that be so, Receipts and Expenditures alone would not show the actual public debt?—A. Not unless you add these items for which no receipts were received.

\* \* \* \* \*

Mr. Bayley, of the Secretary's office, testifies (see testimony, p. 121):

By Mr. DAWES :

\* \* \* \* \*  
Q. When did this \$116,000,000 first appear in the Finance Report ?—A: The first note is in 1871.

Q. When did this \$116,000,000 first appear ; what is it a discrepancy between ?  
—A. The discrepancy is between the amount received on account of loans and Treasury notes.

Q. In the published reports in which year did it first appear to make a discrepancy ? A. In 1870.

Q. Under what head ? A. Under the head of tables K and L.

Q. What are their names ? A. "Statement of the Receipts and Expenditures of the United States."

Q. That made a discrepancy of \$116,000,000 between that statement and what other statement ? A. And the amount of the public debt as shown at that time by the debt statement.

Q. This \$116,000,000, then, first appeared there ? A. Yes, sir.

Mr. Bayley here says that he found a difference of \$116,000,000 between the public debt statement at that time and the amount of debt stated from Receipts and Expenditures, and the discrepancy appeared for the first time in the Finance Report of 1871. That is to say, when the Receipts and Expenditures on account of the public debt were compared in 1870, there were \$116,000,000 of public debt, according to the Secretary's debt statement, unaccounted for by a statement made up from the Receipts and Expenditures :

From the beginning of the government to June 30, 1871 :	
The total receipts were.....	\$7,094,541,041 38
The total net expenditures.....	4,857,434,540 51
Balance.....	2,237,106,500 87
The public debt, June 30, 1871.....	2,353,211,332 32
Difference.....	116,104,831 45

#### VERY REMARKABLE BOOKKEEPING.

This certainly is very remarkable bookkeeping, if it be no worse. But it is not alone in these particulars that this looseness of administration is shown. Perceive how little check there is in the issue of bonds and how easy for a dishonest man to enrich himself when the opportunity presents itself.

William Fletcher, Chief of Loan Division, in answer to how bonds were issued, said (see testimony, pp. 126, 127 and 128):

By the CHAIRMAN :

\* \* \* \* \*  
Q. Please explain where, when you went into the office, and where at present, bonds were and are issued ? A. I did not know much about it at the time I entered the office, and I do not know that I can tell how bonds were issued fifteen years ago. I was then a clerk of class one and had not the management ; neither have I been over the papers so as to be able to tell how bonds were issued then. I can tell how an issue is made now and how it has been for a number of years.

Q. State that. A. A deposit is made in the office of the Treasurer, for which he issues a certificate, and upon that certificate our office issues an order on the Register of the Treasury. On that order bonds are issued. I have a certificate here which I can show.

Q. Does the bond come back to your office ? A. Yes, sir ; and receives the seal and is initialed.

Q. Does it then go back to the Treasurer's office ? A. No, sir ; not to the Treasurer's. It is delivered in accordance with instructions indorsed on the Treasurer's certificate.

Q. The Treasurer, after giving the order, has nothing further to do with the bond in any way ? A. No, sir.

\* \* \* \* \*  
Q. If you did so, the bond would come to your office for putting on the initials?  
A. Yes, sir.

Q. And would not go to the Treasurer to see if he had money for it in the Treasury? A. It would not go to the Treasurer.

Q. If the Treasurer issues a certificate for a one thousand dollar bond, is there anything to prevent an order for two thousand dollars of bonds being sent to the Register's office from your office? A. Only our checks.

Q. Your integrity? A. Yes, sir.

Q. I am putting that out of the question all the time. If such a bond was issued, that two thousand dollar bond would come back to your office. What would you do with? A. The initials of the clerk having charge of the loan would be put upon it, and it would be sealed.

Q. But the Treasurer himself would know nothing of it? A. No, sir.

Q. Do you keep an account in your office of accrued interest on bonds when they are issued? A. We keep an account of it as furnished by the certificate of deposit.

Q. To make plain, if I were to ask you to-day to furnish me a list of accrued interest upon bonds sold since 1864, or any other time, could you do it? A. I could not.

Q. It is not kept in your office in such a way that you could? A. No, sir.

\* \* \* \* \*

And Treasurer Gilfillan testifies (see testimony, pp. 106 and 107):

By the CHAIRMAN:

\* \* \* \* \*

Q. How do you know that a bond is issued for the same amount that you gave a certificate for? A. I have not any knowledge of the transaction after having given the receipt.

Q. If A applies for a \$1,000 bond and pays you the principal and accrued interest, you give him a receipt for that \$1,000. That then goes to the Loan Division of the Secretary's office, as I understand, and the Loan Division issues an order to the Register to issue the bond? A. Yes, sir.

Q. The Register issues the bond, and does what with it? A. Transmits it usually to the subscriber, to the depositor.

By Mr. DAWES:

Q. Before he does that, does he not send it to the Secretary? A. This present loan, as I understand, goes back to the Loan Division of the Secretary's office. A part of the process is then completed: I think putting on the seal and an initial.

By the CHAIRMAN:

Q. That is the same office that gave the order for the bond? A. Yes, sir. Whether they send the bonds or not I am not certain.

\* \* \* \* \*

Q. Is there anything other than the integrity of the officer to prevent the Loan Division, if it receives a certificate from you of \$1,000, directing the Register to issue a bond of \$2,000? A. I do not know that there is, of my own knowledge.

Q. Is there any check upon the Loan Division from making an order upon the Register to issue to A a bond of any given amount? A. Not that I am aware of.

Q. How long has the present system of issuing bonds been in practice? A. I think ever since there has been a Loan Division. I know it was so in Mr. Boutwell's time.

\* \* \* \* \*

Thus it will be seen the Chief of the Warrant Division, the Chief of the Loan Division, and the Treasurer of the United States all say that there is no check upon the Loan Division in issuing bonds, and that upon the integrity of one man in the Loan Division may depend whether or not the bonded debt of the government is as reported.

WHO KNOWS HOW MANY LEGAL TENDER NOTES ARE IN CIRCULATION.

It is quite the same with regard to the issue of legal tender notes.

In regard to the issue of legal tender notes, Major Power testifies (see testimony pp. 92 and 93):

BY THE CHAIRMAN :

\* \* \* \* \*

Q. The Register's name is on the notes, I believe? A. Yes, sir.

Q. Does the Register ever see the notes? A. Not until they are redeemed.

Q. Then a note issued, though it is signed by the Register, never passes through the Register's office? A. That is, the notes bear the *facsimile* of the Register's signature.

Q. I understand that the Superintendent of the Printing Bureau delivers to the Treasurer direct the notes, legal tenders or fractional currency when the latter was in existence. Do they pass through any other hands but those two? A. They do not.

Q. They are ready for circulation when the Treasurer receives them from the Printing Bureau? A. They are then ready for circulation.

Q. They are ready? A. Yes; but they cannot be put into circulation legally until the Treasurer covers the amount into the Treasury; they are not money in the Treasury until covered in.

Q. Still they are in his possession and no one else has possession of them but the Treasurer, and he could, if he was dishonest, put them in circulation without making any further report about the matter? A. There is no other check upon the immediate issue of these notes.

Q. They do not pass through the Register's office until they are redeemed and ready for destruction? A. No, sir.

Q. Then are they registered in the Register's office, all that have been destroyed? A. They are.

\* \* \* \* \*

Q. And the same as to deliver from the Printing Bureau to the Treasurer has been in existence since the act creating the two classes of notes, the legal tenders and fractional currency? A. Yes, sir.

Q. And they pass through no other hands, I understand, as a check? A. No, sir.

\* \* \* \* \*

This shows that the Register's name is on all legal tender notes, that he does not see them until they are redeemed, and that there is not a proper check on the Treasurer or Bureau of Printing in this regard, so that the Chief of the Bureau of Printing or the Treasurer, if dishonest, could put notes improperly in circulation.

#### INTEREST PAID WITHOUT KNOWING THE AMOUNT OF BONDS OUTSTANDING.

Nor is there anything more satisfactory with regard to the statement of money received for bonds, principal and interest together. According to the following testimony the Treasurer pays the interest on the bonds, but he cannot give the amount of bonds outstanding.

#### AMOUNT OF INTEREST ON BONDS.

James Gilfillan, Treasurer of the United States, testifies (see testimony, pp. 104 and 105):

By the CHAIRMAN :

Q. To put it practically, if you were asked to-day to furnish this committee with the total amount of interest and principal received last year in bonds which were sold, could you furnish it? A. Not from the books, my impression is, without going through and taking the warrants and separating them.

Q. You understand that when the entry is made upon the books it is made in gross and not separate entries, one of principal and the other of interest? A. Yes, sir. The items of receipts are internal revenue, lands, war, and navy (which are repayments), and miscellaneous. The miscellaneous includes the public debt and other receipts except those before named, which would include principal and interest. I think that was what you requested of me in my statement.

Q. Which you said you could not furnish? A. Yes, sir. It was said it could not be furnished as the books had been kept from 1861.

\* \* \* \* \*

Q. No separate account on the books was kept of principal and interest? A. Of the receipts, no, sir.



Q. Can your office give the exact amounts of bonds now in circulation? A. No, sir.

\* \* \* \* \*

Q. Then you might, so far as your office is concerned, pay coupons of duplicate numbers, or a greater amount of coupons than were out? A. If they were genuine coupons.

Q. How would you know whether they were genuine or counterfeit—on the same principle that you know whether a note is a counterfeit or not? A. Exactly.

Q. But you have no means of knowing whether a bond has been fraudulently or illegally or wrongfully gotten into circulation or not? A. Unless in the case of registered bonds, which are caveated, and we might have been notified; but we never should be notified of that, because it is not necessary.

\* \* \* \* \*

This shows that the Treasurer keeps the moneys received for bonds, principal and interest together, and that he cannot tell from the books how much was received for principal and how much for accrued interest for a given time; that is, accrued interest on bonds sold is not kept as a separate account. The treasurer pays interest on bonds, but he cannot give the amount of bonds outstanding. The treasurer pays all coupons presented, if genuine, but he does not know whether or not duplicates are paid by him or by the sub-Treasurers elsewhere.

After the foregoing statement of extraordinary discrepancies and differences of debt statements, of unlawful changes in the increase and decrease of debt, and the showing of looseness of administration, of absence of checks in the issue of bonds and legal tender notes, by which the Government is protected only by the integrity of only a single clerk, and of the singular want of knowledge the Treasurer has of the amount of outstanding bonds on which he pays interest, the reader may be well prepared for the following statement of erasures and changes in the books of the Treasury.

#### APPARENT ERASURES AND CHANGES IN THE BOOKS OF THE TREASURY.

On the question of erasures and apparent changes in the books of the Treasury is the following testimony of Mr. Woodville (see testimony, pp. 110, 111, 112 and 113):

WILLIAM WOODVILLE recalled.

By the CHAIRMAN :

Question. By whom was the statement that I hand you prepared? (Exhibiting.)—Answer. Prepared by Mr. Byrne, formerly clerk of this committee.

Q. Have you examined it by the books so as to be able yourself to testify to it? A. Yes, sir; I can testify to this statement. I went over it with him and checked it off with him from the other book.

Q. Have you recently re-examined it?—A. Yes, sir; I have refreshed my memory about it to-day.

Q. Is it correct?—A. It is correct, with the exception of a few memoranda which are marked there; two exceptions which I have specified on it.

The CHAIRMAN. I offer that in evidence, as having been the result of the work of Messrs. Woodville and Byrne together, and want it to go in.

*Memorandum of erasures, alterations, and changes found in "Register of Public Debt Warrants" from January 1, 1865, to December 31, 1869. Secretary of the Treasury.*

Year.	Date.	Number of warrants.		Amount.
1865	Jan. 3	1737	Amount altered and scratched	\$11,981 56
	17	1883	Amount altered and scratched out; canceled	40,434 54
	Feb. 6	2053	Amount altered and scratched	187,952 33
	9	2069	do.	669,920 00
	10	2118	do.	450,500 00
	17	2160	do.	18,392 10
1865	Mar. 3	2302	do.	211,640 00
	16	2398	do.	1,087 12
	17	2678	do.	38,221 57
	23	2784	do.	26,003 09
	May 8	2855	do.	28,616 15
	17	2941	do.	57,020 75
	20	2983	do.	958,240 00
	June 5	3116	do.	20,462 17
	19	3238	do.	17,999 78
	21	3256	do.	625 00
	22	3275	do.	3,758 63
	July 11	3145	do.	976 89
	Aug. 1	3628	do.	80 00
	1	3629	do.	243,688 70
	5	3672	do.	67,253 77
	14	3718	do.	1,743,700 09
	Sept. 4	3881	do.	
	14	Scratched.	Amount altered and scratched out	
	14	do.	do.	
	21	4025	Amount altered and scratched	13,000,000 00
	25	Scratched.	Amount altered and scratched out	
	30	4088	Amount altered and scratched	959 08
	Nov. 8	4371	Amount erased with red lines should be in Treasury proper	220 00
	8	4372	do.	150 00
	8	4373	do.	200 00
	8	4374	do.	74 00
	27	4486	Amount altered and scratched	82,518 33
1866	Dec. 16	4611	do.	84,800 00
	Jan. 6	4746	do.	301 19
	16	4817	do.	46,555 17
	22	4862	do.	154 62
	26	4900	do.	24,380 00
	30	4920	do.	1,136 34
	Apr. 18	5154	do.	6,163 73
	May 7	5621	do.	107 71
	12	5673	do.	45,176 73
	15	5701	do.	89,900 00
	28	5795	do.	1,241,004 15
	June 6	5888	do.	6,791 87
	6	5900	do.	27,500 00
	13	5958	do.	20,637 67
	25	6064	do.	136,325 88
	July 31	6436	do.	29,731,300 00
	31	6437	do.	23,127,248 27
	Aug. 2	6474	do.	7 49
	21	6608	do.	372,424 36
	23	6632	do.	20,906 43
	23	6634	do.	55,298 62
	Sept. 4	6742	do.	585 97
	21	6926	do.	15,520 77
	29	6928	do.	52,485 35
	29	6940	do.	20,160,600 00
	Oct. 31	7232	do.	8,000,000 00
	31	7234	do.	7,000,000 00
	31	7234	do.	19,981,750 00
	Nov. 16	7331	do.	48,891 17
	22	7378	do.	3,595 02
1867	Jan. 7	20	Amount altered and scratched; canceled	1,378,450 00
	7	22	do.	2,621 89
	8	27	Amount altered and scratched	50,000 00
	8	30	Amount altered and scratched; canceled	29,556 95
	12	52	Amount altered and scratched	1,623 95
	15	83	do.	5,129 71
	Feb. 19	Scratched.	Amount altered and scratched; canceled	4,000,000 00
	Mar. 23	397	Amount altered and scratched	4,963 40
	June 12	663	do.	11,449 96
	27	704	do.	103 00
	Aug. 8	830	do.	394,100 00
	24	869	do.	788,000 00

*Memorandum—continued.*

Year.	Date.	Number Warrants.		Amount.
	24	870	Amount altered and scratched.....	1,031 83
	27	875	.....do.....	401,000 00
	31	884	.....do.....	340,500 00
	Sept. 21	934	.....do.....	350 00
	Oct. 17	Scratched.	Marked in margin " (Directed same to issue on November 1), " and the entry crossed out with black lines, whilst the amounts in figures are not erased. The aggregate amount of the warrant is.	21,069,000 00
	Dec. 2	1051	Amount erased with red lines; see next page.....	356,400 00
	2	1052	.....do.....	128,000 00
1868	Feb. 14	62	Amount erased with lines; canceled.....	\$2,000,000 00
	June 3	174	Amount erased with red lines.....	\$14,450 00
	3	174	.....do.....	527 42
	July 31	236	Amount altered and scratched.....	14,977 42
	Aug. 27	259	.....do.....	28,283,850 00
	Sept. 12	285	Amount erased with red lines; canceled.....	300,000 00
	Oct. 31	346	Amount erased with red lines.....	5 00
	Nov. 12	377	Amount erased with red lines; canceled.....	23,735,282 50
	12	377	.....do.....	3,045,000 00
1869	Mar. 20	60	.....do.....	37,661 50
	July 31	135	In several amounts this warrant shows alterations and scratches.....	1,233,791 98
			In the recapitulation for the month of July, 1869, in the item of "Redemption of the Public Debt," the figures are altered and scratched \$12,561,467.49	20,824,402 08
			In the recapitulation for the month of August, 1869, the amounts entered are in several items altered and scratched.	
	Sept. 30	176	Amount altered and scratched.....	21,314,102 68
	Oct. 30	186	.....do.....	5,630,541 84
	30	187	Amount altered and scratched; premium on sinking-fund principal.....	311,945 10
	Nov. 30	203	Amount altered and scratched; redemption of the public debt.....	7,265,416 00
			In the month of November, 1869, the amounts entered in the recapitulation are scratched and altered in several items.	

ROOM 65 TREASURY BUILDING,  
COMMITTEE ON TREASURY ACCOUNTS,  
Washington, D. C., November 22, 1878.

SENATOR: I make, at your request, a copy from my "memorandum book of alterations and erasures," from a book called "Register of Public Debt Warrants."

In my examination of the books furnished the committee by the Secretary of the Treasury, I have thus far noted 1,120 alterations and changes in the 39 books I have examined.

Most respectfully, your obedient servant,

EDWD. BYRNE.

Hon. H. G. DAVIS,  
Chairman, &c.

Q. Have you made examinations of different books in the Secretary's, the Register's and the Treasurer's office?—A. My examination was particularly in the Register's and Treasurer's books, and the public debt of the Secretary from 1860 to 1871, inclusive.

Q. Did you find upon those books alterations or errors or erasures in figures?—A. Yes, sir; I found alterations, scratches, canceled warrants.

Q. To what extent?—A. In the Treasurer's books from 1860 to 1867, inclusive, the alterations, scratches, and canceled warrants amounted to about twelve hundred in round numbers.

Q. Twelve hundred different alterations?—A. Alterations, scratches, and canceled warrants, anything like a change from the original amount.

Q. Just explain generally what you found upon the books in regard to erasures or alterations of figures?—A. Amounts scratched and new figures substituted.

### 2,500 ERASURES IN LEDGERS INVOLVING \$280,000,000.

These changes, alterations and erasures involve an aggregate sum of about \$280,000,000 since January 1st, 1865, less than twenty years. Why these changes and erasures? What transactions do they cover? What is hidden beneath them? But the erasures are not all. Mr. Woodville, in his testimony, continues:

Q. Do you know of any leaves being entirely out of the books that appeared to have been cut out? A. Yes, sir; in the beginning of the war some of the Treasurer's accounts are that way, about 1861 and 1862.

Q. In how many instances? A. Two, four leaves in one case and five in the other; I can produce the books if you wish.

Below will be found the detailed statement of the number and whereabouts of these erasures:

John W. Gentry, acting as a clerk to the committee, was examined and testified (see testimony, p. 165):

By the CHAIRMAN:

Question. Have you made a careful examination of certain ledgers of the Register and Secretary of the Treasury?—Answer, I have.

Q. You selected one of the number that you have examined as an example of all that you have examined?—A. I did of those mentioned in this statement.

Q. Is the statement before you the statement you wish now to offer as being a correct statement of the erasures and apparent alterations on the books you examined?—A. It is.

Again (see testimony, p. 174):

The eight (8) ledgers enumerated below have also been examined, with the results as stated.

#### *Three (3) ledgers from office of Register.*

Title of ledger.	Period.	Number of erasures and apparent alterations.
1. Interior appropriation ledger No. 4.	From July 1, 1861, to June 30, 1868....	One hundred and fifty-three.
2. Naval appropriation ledger No. 6.	From July 1, 1861, to June 30, 1866....	One hundred and thirty-seven.
3. Military appropriation ledger No. 13.	From July 1, 1867, to June 30, 1871....	One hundred and thirty-eight.

#### *Six (6) ledgers from office of Secretary of Treasury.*

Title of ledger.	Period.	Number of erasures and apparent alterations.
4. Interior appropriation ledger No. 3.	From July 1, 1860, to June 30, 1863....	Two hundred and ninety-six.
5. Naval appropriation ledger No. 5.	From July 1, 1860, to June 30, 1863....	One hundred and ninety-three.
6. Naval appropriation ledger No. 6.	From July 1, 1863, to June 30, 1867....	Six hundred and sixty-eight.
7. Naval appropriation ledger No. 7.	From July 1, 1867, to June 30, 1873....	Four hundred and fifty-seven.
8. Military appropriation ledger No. 10.	From July 1, 1859, to June 30, 1863....	One hundred and sixty-eight.

Three ledgers from Register's office, containing..... 428 erasures and apparent alterations.  
Six ledgers from Secretary's office, containing..... 2,099 erasures and apparent alterations.

Total in 9 ledgers..... 2,527

I certify that I have carefully examined the nine (9) ledgers enumerated above, and that the foregoing is a true statement of the erasures and apparent alterations.

JNO. W. GENTRY, *Clerk*.



Q. (By Mr. DAWES.) In the cases where your tables show what are called erasures and alterations, are you able to tell what the figures, as they now exist, have been substituted for?—A. I am not.

These scratches and erasures do not occur wholly in the daybooks or journals but in ledgers, and upon this point take the testimony of an experienced accountant, Major Power (see testimony, p. 91):

By the CHAIRMAN:

\* \* \* \* \*

Q. Do you know whether or not there are scratches, changes or alterations, whatever you choose to call them, upon the books of the department; take the Secretary's office?—A. Scratches and mis-entries occur, I believe, in all systems of accounts, and the Secretary's office of the Treasury Department is no exception to that. A clerk may make a mistake at any time.

Q. Is that likely to follow from the day book or journal into the ledger?—A. It would be in the journal or register.

Q. But it ought not to be in the ledger?—A. No scratches or mis-entries should occur in the ledger.

Q. You keep what is known as a register or journal, and post from that into the ledger, do you not?—A. Yes, sir.

\* \* \* \* \*

### SOMETHING VOTERS MAY WELL CONSIDER.

The American voter may well stop and consider, what the wide discrepancies mean, what these erasures of 2,527 in the ledgers of the Registers' and Secretaries' offices portend. Time hides many things, destroyed leaves and cut pages conceal others, but there is one thing that the American people can have done and that is what Governor Hendricks suggests, "the books of the Government opened for examination," by faithful and honest public servants.

After the foregoing record is examined, the American voter is well prepared to consider the following partial list of defalcations which have occurred during the past twelve years, defalcations upon the part of the servants of the American people.

## DEFALCATIONS OF UNITED STATES OFFICIALS DURING THE ADMINISTRATIONS OF PRESIDENTS GRANT, HAYES AND ARTHUR, COMPILED FROM THE PUBLIC RECORDS.

TOTAL AMOUNT STOLEN, SIXTEEN MILLION EIGHT HUNDRED AND SIXTY-EIGHT THOUSAND FOUR HUNDRED AND SIXTY DOLLARS AND SIXTY CENTS.

This does not include money stolen from the Government under the Whiskey Ring frauds, Star Route frauds, Post Office Department defalcations, Burnside's frauds, Signal Service (Howgate's) frauds, or the Naval Medical Bureau frauds, or the defalcation of the Disbursing Clerk of the State Department.

Statement of amount of defalcations of Officers of the United States for the fiscal years of 1869 to 1883, both inclusive, as shown by the certified transcripts of the Accounting Officers of the Treasury Department filed in the U. S. Courts and by the annual reports of the Solicitors of the Treasury to the Secretary of the Treasury and to the Attorney-General of the United States.

This statement embraces only defalcations where suit has been brought by the United States against the defaulting officers or their bondsmen and does not include suits against defaulting Post Office Officials.

The First Comptroller of the Treasury is directed by section 272 of the Revised Statutes of the United States: "To make an annual Report to Congress of such officers as shall have failed to make settlement of their accounts for the preceding fiscal year."

No such report as is required by this mandatory law has been made from 1869 to the close of the last fiscal year.

Had this law been obeyed, the country could have the satisfaction, at least, of knowing the amount it has lost by the defalcations of its officers, the names of the defaulting officers and whether they are still in office or not. The amounts of defalcations upon which no suit has been brought cannot be obtained from any official publication. It is the secret of the Republican Officials and the Republican party.

Defalcations during the fiscal year ending June 30, 1869.....	\$2,047,027 02
Collections by suit unknown.....	
Defalcations during the fiscal year ending June 30, 1870.....	\$453,937 78
Collections by suit unknown.....	
Defalcations during the fiscal year ending June 30, 1871.....	\$3,606,661 06
Collection by suit.....	5,330 32
Loss to Government.....	\$3,601,330 74
Defalcations during the fiscal year ending June 30, 1872.....	\$2,767,857 36
Collections by suit.....	104,423 12
Loss to Government.....	\$2,663,434 23
Total amount of defalcations for the four fiscal years preceding June 30th, 1872.....	\$8,875,484 22
Total collected by suit.....	109,753 45
Total loss to Government.....	\$8,765,729 97
Defalcations during the fiscal year ending June 30, 1873.....	\$1,206,936,55
Collections by suit.....	170,781 32
Loss to Government.....	\$1,036,155 23
Defalcations during the fiscal year ending June 30, 1874.....	\$760,575 72
Collections by suit.....	40,326 12
Loss to Government.....	\$720,249 60
Defalcations during the fiscal year ending June 30, 1875.....	\$1,381,119 28
Collections by suit.....	25,072 43
Loss to Government.....	\$1,356,046 85
Defalcations during the fiscal year ending June 30, 1876.....	\$1,298,616 06
Collections by suit.....	36,468 48
Loss to Government.....	\$1,262,147 58

Total amount of defalcations for the four fiscal years preceding June 30, 1876.....	\$4,647,247 61
Total collected by suit.....	272,648 35
Total loss to Government.....	\$4,374,599 26
Defalcations during the fiscal year ending June 30, 1877.....	\$794,451 64
Collections by suit.....	23,249 99
Loss to Government.....	\$771,201 65
Defalcations during the fiscal year ending June 30, 1878.....	\$264,010 35
Collections by suit.....	8,235 62
Loss to Government.....	\$255,774 73
Defalcations during the fiscal year ending June 30, 1879.....	\$231,854 94
Collections from suits.....	4,568 30
Loss to Government.....	\$227,286 64
Defalcations during the fiscal year ending June 30, 1880.....	\$485,679 09
Collections from suit.....	15,418 30
Loss to the Government.....	\$475,260 79
Total amount of defalcations during the four fiscal years preceding June 30, 1880.....	\$1,775,998 02
Total collections by suit.....	51,472 21
Total loss to the Government.....	\$1,724,523 81
Defalcations during the fiscal year ending June 30, 1881.....	\$488,477 97
Collections by suit.....	11,785 04
Loss to Government.....	\$476,692 93
Defalcations during the fiscal year ending June 30, 1882.....	\$427,920 24
Collections by suit.....	1,224 14
Loss to Government.....	\$426,196 10
Defalcations during the fiscal year ending June 30, 1883.....	\$653,835 56
Collections by suit.....	5,924 32
	\$647,911 24
Total amount of Defalcations during the <i>three</i> years preceding June 30, 1883.....	\$1,569,733 77
Total collections by suit.....	18,933 50
Total loss to Government.....	\$1,550,800 27

## R E C A P I T U L A T I O N .

Amount of defalcations under Grant's first Administration....	\$8,875,493 22
Amount of defalcation under Grant's second Administration....	4,547,247 61
Amount of defalcation under Hayes' Administration.....	1,775,996 02
Amount of defalcation under Arthur's three years' Administration.....	1,569,733 77
Total defalcations.....	\$16,868,460 62

This makes an average yearly defalcation during the fifteen years preceding June 30th, 1883, of one million one hundred and twenty-four thousand five hundred and sixty-four dollars (\$1,124,564.00).

The amounts of defalcations by Post Office Department officials during the time stated above, are so intermingled in the Official Reports with other matters that they cannot be ascertained.

This statement does not include the money stolen under the Whiskey Ring frauds, Star Route frauds, Howgate's Signal Service frauds, Burnside's P. O. frauds, Navy Medical Bureau frauds, or other frauds of that nature.

Section 176, Revised Statutes of the United States provides that bonds shall be given by Disbursing Officers of the Government, satisfactory to the Solicitor of the Treasury, and the Secretary of the Treasury is authorized to cause the bonds to be renewed, strengthened and increased, at his pleasure.

Section 3144 has a similar provision concerning Internal Revenue Officers' Bonds, with the substitution of the First Comptroller of the Treasury for the Solicitor.

The small percentage of collections on the suits as shown by the Reports of the Solicitor of the Treasury, makes it clear that the laws above cited have not been executed. The collections on the Bonds of the defaulting officers do not amount to five per cent. of the defalcations.

Section 3622 of the Revised Statutes directs that:

"Every officer or agent of the United States who receives public money which he is not authorized to retain as salary, pay or emolument, *shall render his accounts monthly*. Such accounts with the vouchers necessary to the correct and prompt settlement thereof shall be sent to the Bureau to which they pertain, *within ten days after the expiration of each successive month*, and after examination there, shall be passed to the proper accounting officer of the Treasury. Disbursing officers of the Navy shall render their accounts and vouchers direct to the proper accounting officer of the Treasury."

This section also gives authority to the Heads of the Department to prescribe such other rules as they may deem necessary for the prompt settlement of these accounts, and "the public interest may require."

Had these laws been faithfully executed, it is obvious that no officer could have defaulted over one month without discovery, and the enormous losses to the Government would have been reduced to a minimum, if not altogether prevented. The failure of the Government officials to execute these laws gives the sureties of defaulting officers a good defence against the United States, as will be seen by the following extract from the *Sunday Herald*, of Washington, D. C., of July 27th, 1884:

"It is said the bondsmen of ex-Disbursing Officer Burnside, of the Post Office Department, will claim that the law, in settling that officer's accounts, was not complied with, and that they are not therefore liable; that, had the Department settled the accounts as the law required, it would have been discovered that Burnside was deficient in his accounts many years earlier, and at a time when the account was small and the deficiency could have been made good. One of the bondsmen said to the *Herald* last week: 'We cannot be held responsible for lack of duty on the part of the Government officials whose duty it was to examine these accounts.'"

The following statement copied from "*The Post*" of Washington, D. C., of June 20th, 1884, illustrates the fact that the laws for the protection of the public funds have not been executed.



J. O. P. Burnside was appointed Disbursing Officer of the Post Office Department, in 1876. He was appointed from Illinois, upon the recommendation, it is reported, of General John A. Logan, now candidate for Vice-President on the Republican ticket. It will be seen he commenced defaulting as soon as he entered upon the duties of his office. He continued doing so with perfect impunity for seven years, though his office and his accounts were in the same building with the Auditor of the Treasury for the Post Office Department, and accessible every day to the examination of the Comptrolling officers of the Treasury. As a matter of fact, had not public attention been called to Burnside's losses in a fraudulent oil speculation, which caused his accounts to be examined, the defalcations would not now be known. The investigation shows thus far the defalcation of between eighty and one hundred thousand dollars.

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## "BURNSIDE SURRENDERED.

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"HIS BONDSMEN REFUSE TO AID IN SHIELDING HIM ANY LONGER.

---

"THEIR ACTION THE OUTCOME OF DEVELOPMENTS MADE YESTERDAY, SHOWING  
SYSTEMATIC STEALING—ANOTHER DISBURSING OFFICER SHORT.

"The developments in the various Government defalcations were of a startling nature yesterday, one more being added to this number, besides an accumulation against the already arrested men. The investigation of the accounts of Col. Burnside, late of the Post Office Department, has resulted in some new revelations as to the manner and extent of his frauds. His rearrest was the outcome of the investigation now going on. It seems that in addition to diverting to his private use some \$45,000 of the funds drawn from the Treasury, Burnside has been in the habit of pocketing the proceeds of the sales of the waste paper, old carpets, furniture and the material of the Post Office Department. The revenue arising from this source, as far as can be ascertained, is about \$5,000 per year, which Col. Burnside ought to have turned into the Treasury. His accounts show that the first year he held the office, which was in 1876, he deposited in the Treasury on this account, \$4,194. Each succeeding year shows a deposit, in some cases exceeding \$1,000, and for two years ('79 and '81) no deposit was made at all. It is the presumption that the amounts realized from this source increased each year, but Col. Burnside's deposits largely decreased. Col. Henderson and Mr. Lamson, of the inspectors' office, have been investigating the books kept by Col. Burnside, and they found that there is no record of any sales of material of this kind anywhere in the accounts of this disbursing officer. The only way that they were able to trace the amount was by examining the books of the men who had bought this material from Col. Burnside. They found the receipts and the checks which had been paid to him, and in the investigation so far, which is not half completed, they have been able to trace over \$12,000 which Burnside has received since 1876 on account of the sale of waste material. The speculations appear to have begun with Burnside's entry into his late position, and the sum of them will, it is expected, prove far more extensive before the investigation is completed.

"In the police court, Prosecuting Attorney Thomas stated to the Court that "there was another charge against Col. Burnside which was essentially different "from the first one. In this case he is charged with converting "to his own use, "\$8,000, which he realized from the sale of waste paper. As to the matter of "bail he would ask \$5,000 bail.

"Judge Snell said that the defendant was already under \$20,000 bail, and he "was not disposed to fix the bail at a large figure.

"Judge Snell said the \$8,000 charged here was not all taken at once, and to "cover the \$8,000 there would have to be several warrants taken out for the sev- "eral embezzlements. The Court fixed the bail at \$2,500, and the defendant. "waived examination, and the case was sent to the grand jury. Mr. Richard J. "Beall afterwards appeared and went on his bond for this amount.

"Later in the day the gentleman who had furnished the \$20,000 bond for Col. "Burnside upon the occasion of his first arrest, decided that as the latest devel- "opments showed a constant stealing for some years, they should not shield him "any longer. With this view, Detective Raff and Block visited Col. Burnside's "house, and he was again arrested and taken to the Fifth police station. His "bondsmen were W. B. Baldwin, George H. Plant, George T. Keen, E. B. "Fadely and R. J. Beall. In the criminal court to-day they will formally sur- "render the prisoner."

It is thus shown by the official records that a great many dishonest men have been appointed to office since 1868, and entrusted with the custody of public funds. That immense amounts of the public money have been stolen by these officials regularly each and every year ; That the officers of the Government having charge of the bonds of these appointees have failed to secure from them substantial bonds, as is their duty under the law ; That the law requiring prompt, *monthly* settlement of the accounts of these custodians of public funds have not been observed ; That, by reason of the failure to execute these laws, the bonds of these defaulting officers even when good, are released ; That the First Comptroller of the Treasury fails to obey Section 272 of the Revised Statutes of the United States ; That, by his disregard of that law, the country is kept in ignorance as to the names of its defaulters, whether the defaulters are still in office or not, the amounts that have been stolen, and whether any of the thieves have been criminally prosecuted or not ; and last, it is clearly shown that these annual defalcations *are on the increase instead of being diminished.*

It is respectfully submitted to the voters of the United States, that there nothing in the record of James G. Blaine to encourage a hope that if elected to the Presidency he would reform these corrupt practices and abuses of the Republican officials, while the record of Grover Cleveland gives every evidence that his election will cause a summary stop to these enormous annual thefts, and that the laws for the protection of public funds will be rigidly, honestly and faithfully executed.

## DEFALCATIONS,

*Thefts, forgeries, perjuries, and general demoralization of the officers in the Civil Service of the U. S. Government since 1880, as shown by the sworn testimony of the Examiners of the Department of Justice before the Committee of the House of Representatives on Expenditures in the Department of Justice, during the first session of the 48th Congress, and by the Official Reports of the Government Officers.*

Note.—The marginal figures give the page of the Congressional Report the evidence is printed on.

See Mis. Doc. 38, Part 1, 48th Congress, 1st Session.

*It is proven* by this evidence, which is entirely from Republican sources, that many appointments have been made to offices of trust and responsibility of persons who are "defaulters," "thieves," "drunkards," "blackmailers," "liars," "convicts," "ex-convicts," "fugitives from justice," "assassins," "gamblers," "embezzlers of public funds," "bribe takers," "extortionists," "persons under indictment for violation of Internal Revenue laws," "horse thieves," "forgers," one man who was under indictment for murdering an Internal Revenue officer of the United States, and a great many other incompetent, inefficient and worthless men.

*It is proven* by the sworn testimony of the officers of the Department of Justice, that many of these officers of the Government have arrested citizens on frivolous charges for the sole purpose of making fees or extorting money from them for their release, thus harassing and causing heavy loss and injury to innocent persons, by means of the appointments held from the United States.

*It is proven* that the character of these officers of the Government was a degradation of and reproach to the public service.

*It is proven* that in one District alone, where seventy U. S. officials were employed, a large majority had passed on the Government, false, fraudulent and fictitious accounts and committed perjury in doing so.

*It is proven* that in some cases the character of the U. S. officials was so bad that the judges of the U. S. Courts refused to permit them to exercise the duties of their offices in connection with the Court, and they were thus indirectly forced out of the employment of the U. S. without the consent of their superior officers, who had failed to remove them.

*It is proven* that many of these men have been appointed to office and retained, when their crimes were a matter of public and general notoriety.

*It is proven* that the Government has been robbed of hundreds of thousands of dollars by these men.

*It is proven* that a great many persons have been appointed to office where their services were not needed.

*It is proven* that one U. S. Judge was in the habit of borrowing money from Corporations and other parties having suits pending in his Court.

*It is proven* that another U. S. Judge was a gambler and drunkard and is still on the bench he has disgraced.



*It is proven* that a great many of these men have been retained and many promoted in office, and that in at least two cases the President has appointed to higher and more lucrative and honorable offices, men, who, according to the official reports of the Examiners of the Department, in addition to their sworn testimony, have perjured themselves and passed false and fraudulent vouchers on the Government.

*It is proven* that in the Bureau of Printing and Engraving of the Treasury Department where the U. S. Currency is printed, such is the carelessness of those officers of the Government having custody of the funds of the United States, that thousands of dollars are found by workmen, not in employment of the Government, lying in the rubbish on the floor of one of the rooms of the Bureau; and it is also proven that the Disbursing Officer of the Bureau is a defaulter to the Government.

*It is proven* that \$47,000.00 was stolen in broad daylight from the vaults of the Treasury; that the thief was a clerk in the Treasury; that the Government accepted the thief as a witness for the U. S. against a person not connected with the Government who had been induced by the thief to hide the money, and, finally, that the Government compounded the theft by taking \$12,500, and permitting the thieves to have the balance and go free.

*It is proven* by the defalcations in the Signal Service Bureau, in the Disbursing Office of the State Department and the frauds in the Bureau of Medicine and Surgery, of the Navy Department, *that the Government can be robbed and plundered for years with perfect impunity and that the frauds are never discovered until there is a CHANGE in the Head of the Bureau.*

Henry W. Howgate, a first lieutenant in the U. S. Army, was detailed to act as Disbursing Officer and Purchasing Agent of the Signal Corps of the U. S. Army, and stationed at Washington city, D. C., under the administration of General Albert G. Myers, Chief Signal Officer, and continued holding those offices for several years till the death of General Myers and appointment of General W. B. Hazen, when Howgate resigned. Howgate was a formidable competitor of General Hazen's for the appointment of Chief Signal Officer. General Hazen, soon after his appointment, caused an examination of Howgate's accounts to be made, and it was found that Howgate had been regularly and systematically robbing the Government by means of false vouchers, of large sums of money for a number of years. General Hazen made affidavit before U. S. Commissioner Bundy, August 10th, 1881, that Henry W. Howgate, on the 15th day of February, 1879, while then a First Lieutenant in the U. S. Army and the Disbursing Officer of the Signal Service Corps, feloniously converted to his own use the sum of \$12,000.00 of Government funds; on the 15th of October, 1879, \$11,800.00; on the 11th of August, 1880, \$12,480.12, making a total of \$40,380.12. Howgate was arrested on this charge and gave bail.

Additional frauds being soon after discovered, he was again arrested, and being unable to give the bond required he was sent to jail. A suit at law was filed against him August 24th, 1881, upon the affidavit of the U. S. officers, in which it is charged that he had unlawfully drawn from the Treasury of the United States from November 11th, 1878, to September 1st, 1880, \$101,257.08.

Howgate remained in jail some months unable to give bail. Being permitted by the U. S. Warden to leave jail to visit his residence, he absconded and cannot be found. It appears from the investigation of this case that no check was placed upon him by the officer having control of him and his accounts, and had General Myers lived and retained his position of Chief Signal Officer, Howgate would still be plundering the Government.



*A change of the head of the Department was the sole cause of the discovery of the frauds.*

*Howgate's fraudulent accounts passing the accounting and comptrolling officers of the Treasury for years without exposure.*

## FRAUDS, THEFTS, DEFALCATIONS AND GROSS IRREGULARITIES IN THE TREASURY DEPARTMENT.

*Extract from Washington "Post," May, 1883.*

### THE OTTMAN CASE.

DEVIOUS WAYS OF JUSTICE—THE STORY OF A REMARKABLE COMPROMISE.

*(From the New York Times.)*

Some of the peculiar ways in which justice is administered or "dispensed with" in the District of Columbia are shown in the history of the Ottman case. Eight years ago a package of new legal tender notes, amounting in value to \$47,097, was stolen from the cash room of the United States Treasury. The thief was a clerk named Halleck, one of whose accomplices was W. H. Ottman, a liquor seller. These persons were arrested, and Halleck was convicted and sentenced to be imprisoned. An application for a new trial having been granted, he was released, and he became a witness for the Government against Ottman, who was indicted and twice tried. Each of the two juries failed to agree, and it is said that they yielded to secret influences which have been so potent in other and more important trials which have taken place in the old District court house. Proceedings in the criminal cases were abandoned, but by civil suit and seizure a large part of the stolen money was recovered. A package of \$14,500 in the identical notes which had been stolen was captured in a bank where Ottman had placed it, and the entire sum recovered and placed in the hands of the treasurer of the United States was \$31,525. The case of the Government was a clear one. Fair trials before incorruptible juries would have resulted in the punishment of the thief and his accomplices, and the restoration of at least three-fourths of their plunder to its rightful owner.

Last Summer, seven years after the date when Halleck stole the money, a compromise was made, the details of which seem to have been made public for the first time a few days ago. The Hon. Richard Crowley, we are told, appeared as Ottman's attorney, empowered to represent him in the negotiations. Of the sum in the Treasury \$12,500 was paid to the Department of Justice, and the remainder, \$19,525, was given to Mr. Crowley for his client, so that the Government, having in its possession nearly three-fourths of the stolen money, gave back \$19,525 to one of the thieves, and has only \$12,500 to show as the fruit of its detectives' and attorneys' labors.

Why did not the Government, having a clear case against the thieves, prosecute them successfully? Was the Attorney-General convinced by two mistrials that an honest jury could not be secured? Ottman was entitled to all of the captured money or no part of it. By agreeing to the compromise he seems to have admitted his guilt. Why did the present Attorney-General allow this compromise to be made, thereby releasing a large part of the money which had been re-

covered by hard work and at heavy cost? Was it not possible by further proceedings to so firmly establish the Government's title to this money that no one could reasonably claim it? These are some of the questions suggested by the history of this remarkable case.

*Extract from Post, May 18, 1883.*

U. S. MONEY THROWN ABOUT LOOSE AND UNCARED FOR; A FIND OF TEN THOUSAND DOLLARS.

Last Monday morning about 8 o'clock, as two employés in E. N. Gray & Co.'s foundry, John N. Burgee and George S. Langley, were engaged in removing an old punch from the punch room of the Treasury Department, the latter espied a bundle of green paper under a truck, and on stooping to examine it, saw the face of a \$1,000 bill. Calling Burgee to him he pointed it out and said: "Do you want some money? There's a thousand dollars." Burgee picked up the package, which was of ten new bills neatly tied and with slips of paper crossed on the back. An employé who had been in the room frequently was called and asked to have the superintendent take charge of the money. The latter had not yet arrived, but when he did, accompanied by several others, he came to the punch room to learn how the money had been found. Inquiry at the department yesterday failed to reveal who had obtained the money, but Mr. Langley said that the gentlemen who received it from the attendant was a stout man, dressed in blue clothes.

Had this workman pocketed this \$10,000.00, the probability is no one would have ever heard of the Government's loss outside of the Treasury Department.

*Omer D. Cole, Disbursing Officer of the Bureau of Printing and Engraving of the Treasury Department, whose accounts were examined soon after the Burnside defalcation, was discovered to be five thousand dollars deficient in his accounts.*

ALABAMA.

*M. C. Osborn was U. S. Marshal for the Middle and Southern Districts of Alabama during the year 1882 and part of '83.*

P. 128.—Special Examiners Boman, Nightingale and Wiegand of the Department of Justice, jointly reported, August 11, 1883, to the Attorney-General that Osborn "was utterly incompetent to discharge the duties of the office;" and that they found the most flagrant abuses existing—"many of the most untrustworthy and "disreputable persons in the district were employed in the service." "Almost "every Deputy Marshal in the District had presented false, fictitious and fraudulent accounts" against the United States.

The amount of fraudulent accounts presented by Marshal Osborn was \$7,490.20.

Osborn remained Marshal till his term of office expired. He was not removed.

P 413-416.—*Examiners Wiegand and Bowman, of Department of Justice, reported to Attorney-General Brewster, August 3, 1883, that:*

*Frederick Jost, Chief Deputy Marshal under Osborn, and his predecessor, Turner, had "presented accounts for services rendered which he knew at the time "contained false and fictitious items. By his indifference, negligence or con-*

"nivance the most flagrant and glaring frauds were being constantly committed throughout the District over which he had general supervision."

Examiner Bowman says that Jost was afterwards promoted and appointed U. S. Deputy Collector of Internal Revenue for the State of Alabama.

P. 419.—*W. B. Jackson and Green B. Franklin*, Deputy U. S. Marshals under Osborn, are reported specially by examiner Bowman as having made false and fraudulent charges in their accounts against the Treasury.

P. 407-408-11.—*Thomas J. Scott* was another Deputy Marshal under Osborn, who is charged by Special Examiners Bowman and Wiegand, July 31, 1883, with making charges in his accounts that "*are absolutely false, fraudulent and fictitious.*" Mr. Bowman under oath says Scott was *not* dismissed from office, on the contrary was promoted to the "*honorable and lucrative officer*" of "*Register of the U. S. Land Office at Montgomery, Alabama.*"

P. 392-393-4.—*Paul Strobach*, U. S. Marshal of Alabama, Southern District, succeeded Osborn in 1883. Examiner Bowman reports to the Attorney-General, April 4th, 1883, that Strobach appointed W. Easley as U. S. Guard over prisoners, who tendered false, fraudulent and fictitious charges for services.

Mr. Bowman says in his report and also in his sworn testimony, that *Easley*, at the time of his appointment, *was generally known to be a horse thief and a fugitive from justice.* Bowman says *S. D. Oliver*, another Deputy under Strobach, rendered false and fraudulent accounts against the Government; and was retained in office until his dismissal was peremptorily ordered by U. S. States Judge Pardee.

#### ILLINOIS.

P. 174.—U. S. Marshal Jacob Wheeler, of the Southern District of Illinois. Examiner Haight, of Department of Justice, reports to the Attorney-General, April 11, 1883, that Wheeler had made false charges against the Government, and was guilty of official irregularities.

Clerk of the U. S. Courts, Bowen, at Springfield, is reported by Examiner Haight to have embezzled public funds and defaulted for \$43,000.00.

#### ARKANSAS.

P. 166-7.—*James Torrans*, U. S. Marshal of the Eastern District of Arkansas, is reported by Examiners Haight and Smith, June 9, 1883, to the Attorney-General as a defaulter to the Government to the amount at least of \$30,000.

*Torrans*, Deputy *Joseph T. Brown*, is guilty of presenting forged and false accounts against the Treasury.

#### NORTH CAROLINA.

P. 325.—*Robert M. Douglas*, U. S. Marshal for the Western District of North Carolina.

Special Examiners Bowman and Wiegand, of the Department of Justice, investigated this officer's accounts, &c., and reported to the Attorney-General, November 7, 1882, "*That James Dick, the Chief Clerk, is totally incompetent to perform the duties of the office.*" Dick is the brother-in-law of Marshal Douglas.

*Deputy Marshal W. T. Watson* is guilty of gross neglect of duty.

*Deputy Marshals A. M. Meadows and George K. Pritchard* rendered false accounts.

*Deputy Marshals M. E. Haynie and G. R. Pritchard* rendered false vouchers to the Government, and were retained in office by Marshal Douglas after he knew of their frauds.



*Marshal Douglas says under oath that Haynie has since been appointed by Secretary of the Treasury to a responsible position in the Treasury Department, at Washington.*

*Special Examiner Bowman, of the Department of Justice, says under oath before the Committee of the House of Representatives, February 9th, 1884, that from his personal knowledge of Haynie's official record, "he is undoubtedly a thief."*

## ARIZONA TERRITORY.

P. 184.—Joseph C. Tiffany, U. S. Indian Agent, is charged with embezzlement of the public funds, grand larceny, and conspiracy against the Treasury, by the officers of the Department of Justice.

R. G. Wheeler, U. S. Indian Agent, at Pinia, Arizona Territory, is charged by the officers of the Department of Justice with gross irregularities in the administration of his office.

P. 271.—U. S. Marshal Dake of Arizona Territory.

Examiner Bowman, of the Department of Justice, investigated this office in May, 1882, and reports to Attorney-General Brewster that Dake had received large amounts of public money which he had failed to account for. He did not keep any books, accounts, or records, and neglected the duties of his office for his private business.

Wilson W. Hoover, Associate Judge U. S. Courts in Arizona Territory, is charged by the officers of the Department of Justice with borrowing money from his court litigants.

## ALABAMA.

P. 32.—*Joseph H. Sloss, U. S. Marshal of the Northern District of Alabama, is charged by the Examiners of the Department of Justice, in their report to the Attorney-General, and in their sworn testimony before Congress, with permitting frauds in his District against the Government during the year 1882, and with gross neglect of duty.*

*Deputy U. S. Marshal Green in this district is charged with misconduct in office.*

P. 45.—*U. S. Commissioner, Paul Ravisees, Henry S. Skaats and John H. Wallace, were removed by order of the Judge of the U. S. Circuit Court of Alabama, Dec. 5th, 1883, for gross irregularities in their accounts.*

On the same day the same Judge, for the same reason, ordered the immediate dismissal of the following named Deputy U. S. Marshals, and prohibited their future employment: William Bates, C. B. Easeley, J. K. Meyers, Edward Marshall, S. D. Oliver, Sr., C. D. Oliver, Jr., J. H. Purdue, Hill Perdue, B. S. Perdue, C. B. Johnson, J. R. Porterfield, J. F. James and T. R. W. Bock.

## TEXAS.

P. 254-5.—*A. B. Norton, U. S. Marshal for Northern District of Texas, is charged by the officers of the Department of Justice, in their official reports to the Department, and in their sworn testimony before Congress, with preventing witnesses from testifying in cases of frauds against the Government and with rendering false accounts, and he employed corrupt "dissipated and reckless men as deputies who were a reproach to the public service."*

P. 257-8.—*F. W. Miner, U. S. District Attorney for the Northern District of Texas, is also charged by the same officers of the Department of Justice, with general incompetency, and permitting unlawful compromises in criminal cases.*



*Edward Guthridge, U. S. District Attorney for the Eastern District of Texas*, is charged by the same officers of the Department of Justice, in their reports to the Department and their testimony before Congress, with accepting bribes in the performance of the duties of his office.

*Hal Gasling, U. S. Marshal for Western District of Texas*, is charged by the officers of the Department of Justice with neglect of duty and absence without leave.

P. 257-8.—*N. H. Sirrell, Deputy U. S. Marshal*, under Marshal Norton.

Examiners Bowman and Tidball reported to the Department of Justice, May 9, 1882, that Sirrell was guilty of making unlawful arrests of citizens and extorting money from them for their release.

P. 258.—Examiner Bowman swears that Deputy Marshal Sirrell's conduct "got so bad in the Marshal's office that they could not keep him any longer, and in order to get rid of him he was appointed U. S. Route Agent for the Post Office Department between Dallas and Waco, Texas, and is still in office (Feb. 2, 1884).

*U. S. Commissioner Schenck* is charged in the same report, by the same officers, with accepting bribes to release prisoners charged with offences against the Government.

## SOUTH CAROLINA.

P. 455.—*Absalom Blythe, U. S. Marshal of South Carolina*, is charged by *Examiners Ballin of the Department of Justice*, with rendering false and fictitious accounts against the Government, and numerous irregularities.

*W. S. Walker, Clerk in Blythe's office* rendered false accounts.

The following named Deputy Marshals under Blythe are charged in a joint official report made to Attorney-General Brewster, by *Examiners Ballin, Nightingale and Woods* of the Department of Justice, with rendering "false, fraudulent "and fictitious accounts for services," viz : A. E. Phillippi, Julious Fraaborg, C. O. Kimball, John A. Stevenson, Alfred Harris, J. J. Pearson, Wm. M. Mittag, W. M. Bridges, A. G. Smith, C. A. Carson, J. E. Gaze, C. W. Cummings, James Turner, M. D. Alexander, W. F. Garey, W. V. Holden, Wm. Kennedy, R. E. Evans, L. R. Fisher, W. C. Fisher, R. J. Spratley, M. L. Case, R. M. Casey, J. B. Dill, P. J. Barnister, W. D. Goode. Amount of false accounts, \$6,824.43.

## LOUISIANA.

*U. S. Commissioners W. G. Lane, Joseph A. Quinters and Anthony Samiola* are all charged by the officers of the Department of Justice with malfeasance in office.

P. 34.—*Francis A. Wolfley, Clerk to the U. S. Courts of New Orleans*, is reported by the Examiner of the Department of Justice to have failed to account for \$13,500 during the year 1882,—public funds.

## MISSOURI.

P. 427.—*C. M. Allen, U. S. Marshal*.

The Department of Justice examiners report that Allen made "a great many "false, fraudulent, fictitious and erroneous charges in his accounts" against the Government, and neglect of duty.

*Deputy Marshal W. H. Houghawout* made fraudulent charges against the Government.

*Zoeste, Chief Deputy Marshal of the Eastern District of Missouri*, is charged with gross negligence of duty by the officers of the Bureau of Justice.

*C. C. Crippin, Deputy Marshal* under Allen, "presented false and fraudulent charges" against the Government.

## NEW YORK.

*A. S. Lane, Deputy U. S. Marshal of the Northern District of New York*, is reported by the Examiners of the Department of Justice as rendering false accounts against the Government.

*J. T. Quimby*, another Deputy in this District, is charged with conspiring with Lane to defraud the Government.

## GEORGIA.

P. 49.—*O. P. Fitzsimmons* was *U. S. Marshal for Georgia* up to November, 187., when he was succeeded by General Longstreet.

The Department of Justice Officers report *Fitzsimmons* was a defaulter to the Government for \$23,000, and charge him with rendering false and fictitious accounts against the Government. Examiner Ballin, who reported the case to the Department of Justice, says under oath before the Congressional Committee, January 16, 1884, that he does not believe that the First Comptroller of the Treasury has caused suit to be entered on *Fitzsimmons'* bond, to recover the amount of defalcation.

*Examiner Ballin* charges Deputy Marshal Robinson with rendering false accounts while serving under *Fitzsimmons*.

*Examiner Ballin* says these Deputies made out accounts for expenses that had never been incurred, and swore to them as being true and correct. He says there were about seventy deputy Marshals and the majority of them perpetrated frauds on the Government by making fictitious and false accounts against the Government.

*Warren R. Marshall*, Assistant U. S. District Attorney, of S. C., is charged by Examiner Ballin with failure to report frauds on the Government.

*C. W. Cummins*, Deputy Collector, Storekeeper and Gauger of Internal Revenue. Examiner Ballin reports his accounts full of fraudulent charges.

Examiner Ballin reports to the First Comptroller of the Treasury, May 8, 1882, on the character of some of Marshal *Fitzsimmons'* deputies, as follows:

*Deputy Marshal R. Bolton* "had in his employ Wm. Bolton, his son, J. T. Self, "W. G. Self, and they in turn employed their brother-in-law, H. C. Davis, and "they all managed to support themselves by forced bills against the Government."

*Deputy W. G. Newman* admits he employed guards that were not necessary.

*Deputy J. B. Gaston*, guilty of irregularities.

*Deputy J. M. Robinson* made false and fraudulent charges against the Government.

*Deputy A. J. Laird* employed guards where none were needed.

*Deputy A. R. Wright* made false charges.

*Deputy Jackson*, unworthy of belief, made false statements.

*Deputy L. G. Perkle* employed assistants where none were needed.

*Deputy T. J. Hunt's* "accounts are full of fraud."

*Deputy A. D. Keith's* "accounts is infamously false."

*Deputy H. R. Keith's* are in the same shape as his son's, *A. D. Keith*.

"H. R. Keith is a ruffian," his assistant Deputies are *Peter Chapman*, who is under indictment for murdering a United States Revenue officer, and *D. P. Painter*, who has three indictments pending against him for violations of United States revenue laws.

*H. R. Keith* is himself an *ex-convict* of the Tennessee Penitentiary, where he was confined for horse stealing and his time of service not having expired, and as the record shows no pardon, he is believed to be a fugitive from justice. His treatment of citizens brought into contact with him officially, was brutal beyond expression.

P. 260.—U. S. Marshal *James Longstreet*.

Hon. *Emory Speer*, U. S. District of Georgia and an Ex-Republican M. C., states under oath before the Congressional Committee that General Longstreet (who is the Ex-Confederate General) presented accounts of his Deputy Robinson to the Treasury Department, which were fictitious and fraudulent. Indicted prisoners were allowed to escape from the custody of the Marshal. Mr. Speer says the office is not properly and efficiently administered, and that the Chief Deputy, *John G. Longstreet*, who is a son of the General, "is very inefficient."

P. 331.—*Special Examiner Bowman* reports to the Department of Justice that Deputy Marshals *Robinson* and *Crawford* got up a large number of frivolous and technical cases against citizens for the sole purpose of making fees for themselves, and thus harassed the people of the State by arrests on the most frivolous charges. There was no *bona fide* intention of enforcing the law.

P. 332.—*Examiner Bowman* reports the accounts of General Longstreet badly mixed. There were in his Deputies' accounts about twelve thousand dollars of fraudulent accounts.

P. 346.—Deputy Marshals *John G. Longstreet* and *A. R. Wright* entered into a conspiracy to defraud the Government by means of a fraudulent voucher for clerk hire amounting to several thousand dollars.

*J. F. O'Beirne*, Deputy and U. S. Commissioner, is charged with accepting bribes to release prisoners.

Deputy *John G. Longstreet* is charged with presenting false expense accounts, and gross intemperance.

Deputy *R. D. Bolton* is charged with permitting prisoners to escape.

Deputy Marshal *J. M. Robinson* is charged with rendering false accounts the same as he did under the former Marshal.

P. 49.—*Examiner Bowman* swears before the Congressional Committee, that General Longstreet was notified by him that Deputy Marshal Robinson had been guilty of frauds on the Government while serving under Fitzsimmons, and notwithstanding he recommended his removal, Longstreet retained him, knowing him to be a rascal, and Robinson practiced the same frauds on the Government under Longstreet that he did under Fitzsimmons.

P. 331.—*The Court expenses for last year* (1883), says Examiner Bowman, were \$140,000. With proper management of the Marshal's office, \$50,000 would be abundant to cover all expenses. The appointment of General Longstreet thus appears to have caused an additional and unnecessary expense to the Government of ninety thousand dollars per annum.

## ALABAMA.

P. 136.—*II. A. Wilson*, Receiver of Public Moneys at Montgomery, Alabama. *Special Examiners Bowman, Weigand and Nightingale*, of the Department of Justice, reported to their Department, August 14, 1883, that Wilson had been a Deputy U. S. Marshal for the Middle and Southern Districts of Alabama, that the Foreman of the Grand Jury at Montgomery, Alabama, informed them in May, 1883, that the jury had reliable information that Wilson had tendered false accounts against the United States. The Examiners report that Wilson swore to his accounts as "just, true and correct," when they were absolutely false, fraudulent and fictitious.

While these officers of the Department of Justice were examining Wilson's accounts, he committed a violent personal assault on Mr. Wiegand. All three of the Examiners recommended Wilson to be removed from his office of Receiver in the interest of the public service.

The President ignored the charges against Wilson and nominated him to the Senate for a permanent appointment to the office of Receiver of Public Moneys of the State of Alabama.

## MONTANA TERRITORY.

P. 620-1.—*E. J. Conger*, Associate Justice of the U. S. Court. Mr. P. C. Shannon states under oath before the House Committee on Expenditures in the Department of Justice, March 1, 1884, that he was appointed by the Attorney-General to investigate charges against Judge Conger, May, 1883. Mr. Shannon reported that Conger's conduct was unseemly, unbecoming and indecorous; he set a vicious example; aided and encouraged gambling; and was grossly intemperate, frequently drunk on the bench. Attorney-General Brewster, March 1, 1884, recommended Conger be dismissed. He was still in office March, 1884.

## PENNSYLVANIA.

P. 19.—*John Hall*, U. S. Marshal, at Pittsburg, Pa., is reported by the officers of the Department of Justice as being a defaulter to the Government, January 15th, 1884, for \$153,761.

P. 440-441.—*U. S. District Attorney Stone*, of Pittsburg, Pa. Samuel B. Benson, Assistant Chief of the Secret Service Division of the Treasury Department, says under oath, before the House Committee, that his duty was to detect frauds against the Government, and that on a personal examination of the facts he found that District Attorney Stone appointed Daniel Cameron Assistant District Attorney at a salary of \$1,250 per annum, and that Cameron lives 400 miles away from Pittsburg and does no duty save draw his salary.

Cameron is the brother-in-law of U. S. Senator Mitchell, of Pa., who is a Republican, and through whose influence, Benson swears, Cameron was appointed. Cameron is the law partner of Senator Mitchell.

## TEXAS.

P. 15, 38, 259.—*Stillwater II. Russell*, U. S. Marshal for the Western District of Texas. Special Examiner Bowman, of the Department of Justice, charges him with rendering false expense accounts.

*Deputies Walter Johnson, W. N. Norton and Robert Clark* are worthless and are common drunkards.



*Special Agent John Love*, of Department of Justice, reports to his Department, July 17, 1882, that *Deputy Marshals Henry Goldwater, Charles Adams, Jake Woolfe and E. P. B. Carter* have committed perjury and rendered false accounts against the Government.

P. 237.—*Examiner Bowman* states, under oath, before the Congressional Committee, that at the time Russell was appointed U. S. Marshal, he was a defaulter to the State of Texas of Collector of Taxes for Harrison county for \$13,610.17, and when he was appointed U. S. Marshal he took the funds belonging to the U. S. and paid up his defalcation to the State of Texas as Collector of Taxes for Harrison county.

*William A. Saylor*, Collector of Internal Revenue for Second District of Texas, charged with being a defaulter for \$661.18, and sued for that amount March 24th, 1883.

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## EMBEZZLEMENT.

*John Wallace*, employed by Postmaster Daniels, charged with embezzling letters April 19, 1883.

*W. H. Howard*, employed in post office at Atlanta, Georgia, charged with embezzling letters, April 19th, 1883.

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## FRAUDS IN PENSION OFFICES.

*Hon. A. Herr Smith*, the Republican Member of Congress from Lancaster, Pa., in a speech in the House of Representatives, says: "I find *W. T. Collins*, Pension Agent, Washington, D. C., was a defaulter to the amount of \$53,074.01—suit entered, judgment returned *nulla bona*. *Dudley W. Hazard*, Pension Agent, Brooklyn, N. Y., defaulter for \$6,006.35. *W. T. Forbes*, Pension Agent, Philadelphia, defaulter for \$42,834.74. *A. R. Calhoun*, Pension Agent, Philadelphia, defaulter for \$11,187.76, and his account is not yet adjusted, and the arrears are unpaid."

March 6th, 1884, Deputy Surveyor of Customs, *Noah Smith*, at Memphis, Tenn., admits he has embezzled \$1,600 of Government funds.

*A. D. Hackman*, Postmaster at Pipersville, Bucks Co., Penn., charged by Government officers with defrauding the Government by re-using canceled postage stamps.

April 4th, 1883, *Thomas Reynolds*, Pension Agent at Madison, Wis., charged with collecting and retaining \$5,000 of pensions of widows.

March 29th, 1883, *W. J. Pearson*, Postmaster at Batesville, Ark., charged with retaining registered mail packages

August 9th, 1882; Appraiser of Customs *Howard*, of New York City, charged by U. S. Special Agent Brackett, of Treasury Department, with wilfully violating the Civil Service laws by appointing and promoting personal favorites to office.

August 17, 1884, *A. R. Johnson*, Postmaster, Grantsville, W. Va., embezzled from \$1,500 to \$2,000 of Government funds, and though a married man, eloped with a neighbor's daughter.

## FRAUDS AND DEFALCATIONS IN THE POST OFFICE DEPARTMENT,

*J. O. P. Burnside*, of Illinois, was appointed *Disbursing Officer of the Post Office Department* during the year 1876, upon the recommendation, it is stated, of Hon. John A. Logan, the U. S. Senator, now candidate for Vice President on the Republican ticket. Suspicion was first directed toward him during the month of May, 1884, by reason of his connection with and large losses in a fraudulent oil speculating firm. An examination of his accounts revealed the fact that he had been systematically defrauding the Government, *regularly and continuously*, from the first year of his appointment, 1876, down to the month of May last, 1884, *with perfect impunity*, so far as the officers of the Government were concerned who had the examination of his accounts. He used the contingent fund and old material fund of the Government at will for eight years, and would still be defaulting had not public attention been brought to his oil speculations by the absconding of his broker. The amount of his defalcation as charged by the Government is nearly *eighty-five thousand dollars*.

Burnside's bondsmen claim that the officers of the U. S. having charge of his accounts failed to examine and settle them as the laws require, and therefore they cannot be held liable. If this defense is valid, and it seems to be, then the Administration, in addition to the fact of having appointed a dishonest man to office and entrusted him with the custody of public funds, has by reason of the failure of the Auditing and Comptrolling officers of the Government, to execute the laws, released the bonds of the defaulter and caused the entire loss to fall on the Treasury.

### POST OFFICE DEPARTMENT.

*Wm. T. Bailey*, *Postmaster at Camden, N. J.*, is charged, July 28, 1884, with being a defaulter to the Government, neglecting to deposit Government funds and illegally selling stamps.

*Joseph J. C. Dougherty*, *Chief of the Money Order Division* of the Post office at Baltimore, Md., has been suspended from duty (June 17, 1884) and charged by Government officials with being a defaulter to the amount of several thousand dollars.

*Herman Buggeman*, Clerk in the Stamp Division of the Post Office Department, caught, June 1884, selling for his own benefit postage stamps he had stolen from the Government.

October 29, 1883. *Charles Gehring and John Isaacs*, Letter Carriers in Baltimore City P. O.; charged with embezzling mail matter.

*F. H. Oakley* was detected embezzling postage stamps from Post Office at Cleveland, Ohio, Sept. 7, 1883. He was a clerk in the Post Office.

August 20th, 1883. *Charles F. Hensman*, *Post Master* at Marksville, Louisiana, is charged by U. S. officers with embezzling Government funds to the amount of \$1,500.00.

Aug. 23, 1884. *Jesse Ferguson*, Chief Clerk of the new Post Office building in Philadelphia, charged with irregularity in his accounts.

August 17, 1883. *Thomas B. Kirby*, Clerk in the Post Office Department, charged with sharing in the profits of the publishers of the "Postal Guide."

*J. J. Alley, an Examiner in the Pension Office*, charged by Government officers, July 11, 1883, with entering into a conspiracy with other parties to defraud pensioners.

*Pay Master Wasson, U. S. Army*, found guilty of embezzling large amounts of public funds; findings approved June, 1883.

#### DEFALCATIONS IN STATE DEPARTMENT.

The accounts of Robert C. Morgan, late disbursing clerk of the State Department, have recently (August, 1884) been examined and settled, and there is found to be a defalcation of \$16,880.67.

He was disbursing clerk of the Department of State when James G. Blaine was Secretary.

Treasury officials in charge of his accounts are unable to state when the defalcations commenced, but it is supposed they extended some years back.

This defalcation was not discovered until the death of Morgan necessitated his accounts to be settled.

#### FRAUDS IN THE NAVY DEPARTMENT.

Recent exposures show that a ring of Government officials in the Navy Department has been for years regularly engaged in committing frauds on the Treasury by means of fraudulent vouchers.

This ring was composed of Daniel Carrigan, Chief Clerk of the Bureau of Medicine and Surgery; Edwin C. Kirkwood, assistant to the Chief Clerk, one Jones a watchman in the Department, and a number of outside parties. The mode of operation shows the frauds to be very similar to those of Howgate's, of the Signal Service of the War Department. Vouchers were made up and signed by the outside parties and contained bills of articles furnished which had not been furnished and never were intended to be furnished to the Department. Carrigan endorsed on these bills:

"I certify the goods mentioned in this bill have been delivered,"

(Signed) CHARLES CARRIGAN,

Chief Clerk.

Surgeon General Wales approved the certificate of Carrigan, and the party who made up and signed the fictitious voucher was then paid, without investigation, by the Disbursing Officer, and the money of the Government thus stolen was then divided between the parties to the frauds. It is thought by U. S. officers investigating these frauds that not less than \$50,000 per year, for a number of years past, has been *divided by the conspirators out of the frauds*. The extraordinary part of this barefaced robbery is, that it should have been conducted so long without any detection by the officers of the Government having the supervision of the Bureau and its accounts. Another remarkable feature of this wholesale fraud is, that Carrigan having lost his office, offered his services, it is stated, *in exposing his own frauds* to the Secretary of the Navy through a private detective, and the Secretary agreed to pay this detective if he would furnish the evidence which would expose the frauds.

The evidence was furnished and the frauds became public. The Secretary of the Navy refused then to pay the detective his bill of \$5,000, and Carrigan, who expected to get a part of this reward from the detective, *has disappeared and can't be found*.

The investigations of the Naval Court of Inquiry, of which Commodore Jonett is President, reveal the fact that there were frauds in the Bureau of Medicine and Surgery before Medical Director Wales became Surgeon-General. There are so far discovered, *one hundred and fifty-six false vouchers*, involving nearly \$100,000.00. The evidence shows that many of these frauds were committed during Secretary Chandler's administration.

The speech of Hon. T. A. Hendricks, candidate on the Democratic ticket for Vice-President, in which he refers to these frauds and the correspondence between Mr. Hendricks and Wm. E. Chandler, Secretary of the Navy, on the subject, is appended hereto.

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## MR. HENDRICKS ACCEPTS.

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### A ROUSING SPEECH BY THE DEMOCRATIC CANDIDATE FOR VICE-PRESIDENT.

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PATRIOTIC APPEAL TO THE PEOPLE TO STAND BY THE PRINCIPLES OF REVENUE AND ADMINISTRATIVE REFORM—ENTHUSIASTIC APPROVAL OF HIS CANDIDACY.

INDIANAPOLIS, July 12.—A largely attended Democratic meeting, to ratify the nominations of Cleveland and Hendricks, was held here to-night. Messrs. Hendricks and McDonald were escorted to the place of speaking by a new labor political organization known as the "Autocrats." The meeting was called to order by Austin H. Brown, and William H. English was made chairman. Mr. Hendricks was received with a burst of genuine enthusiasm which seemed to inspire him. His remarks were as follows :

*My Fellow Citizens:* You are almost as mad as they were in the convention at Chicago. [Great cheering.] I thought they would not stop up there at all, and I thought there was no limit to the crowd of people, but I find there is a larger crowd almost here. I am very much encouraged and delighted to meet you on this occasion. You came to celebrate and to express your approval of the nominations that were made at Chicago. I am glad that you are cordial in this expression. This is a great year with us. Every fourth year the people elect the two great officers of the Government.

This year is our great year, and every man, whatever his party associations may be, is called upon to reconsider all questions upon which he is disposed to act, and having reconsidered to cast his vote in favor of what he believes to be right. The Democracy of Indiana appointed me one of the delegates to the Convention at Chicago. I spent nearly a week in attendance in that city. I return to say a few things to you, and only a few things, in regard to that convention.

It was the largest convention ever held in America. Never has such an assemblage of people been seen before. It was a convention marked in its character for sobriety, deliberation and purposes. It selected two men to carry the banner, and leaving that convention and going out before the people, the question is, "Will you help carry the banner?" [Great cheers and cries of "We will do



it." I do not expect, I have no right to expect, that I will escape the criticism, and, it may be, the slander of the opposite party. I have not in my life suffered very much from that, but I come before you, Democrats, Conservatives, Independents and all men who wish to restore the Government to the position it occupied before these corrupt times, and to all such men I make my appeal for your support for the high office to which I have been nominated by the Democracy at Chicago. [Great cheers.]

Grover Cleveland, Governor of New York, is the nominee for President. He was promoted to that high office by the largest majority ever deciding an election in that State. He is a man of established honesty of character, and if you will elect him to the Presidency of the United States you will not hear of Star routes in the postal service of the country under his administration. [Cheers.] I will tell you what we need—Democrats and Republicans will agree upon that—we need to have the books in the Government service opened for examination. [Cheers and cries of "That is it."]

Do you think that men in this age never yield to temptation? [Laughter.] It is only two weeks ago that one of the Secretaries at Washington was called before the Senate Committee to testify in regard to the condition of his department; in that department was the Bureau of Medicine and Surgery. In that department an examination was being had by the committee from the Senate, and it was ascertained by the oath of the Secretary that sits at the head of the department that the defalcation found during the last year, as far as it had been estimated, was \$63,000, and when asked about it he said that he had received a letter a year ago informing him of some of these outrages, and that a short time since somebody had come to him and told him that there were frauds going on in the service, but that members of Congress had recommended the continuance of the head of the bureau with such earnestness that he thought it must be all right. And now it turns out that the public is \$63,000 out and how much more no man, I expect, can now tell.

But what is the remedy? To have a President that will appoint a head of a bureau that will investigate the condition of the books and bring all the guilty parties to trial. [Cheers and cries of "That is it."]

My fellow citizens, I believe that for such a duty as this, for the purpose of maintaining the United States Government for the people of this country, I can commend to your confidence Gov. Cleveland, of New York. [Great cheering.] Not long since there were troubles in the local government of the city of Buffalo, and the conservative people of that city nominated Grover Cleveland as candidate for mayor, not upon a party ticket, but a citizens' ticket, with the duty assigned to him of correcting the evils that prevailed in the government of the city of Buffalo.

He was elected and entered upon the duties of his office and made corrections in the management of the affairs of that city, so clearly and so well defined that the people of New York took him up and made him Governor of the State, and that is the way he comes before you now. [Cries of "Hurrah for Cleveland."]

He who corrects all evils in a badly administered city and who goes from that service into the affairs of the State Government and makes corrections there, will then step, in the natural order of proceeding, into the affairs of another Government and bring about reforms there. [Great cheering.]

Do you not, all of you, Democrats and Republicans, believe that the affairs of the Government have been long enough in the hands of one set of men? [cries of "We do."] and do you not all believe that we have reached a period when there ought to be a change? [Cries of "We do" and "We will have it."] I do not

ask that ail shall be turned out. That is not the idea. It is not the idea if a man has done his duty well and faithfully; if he has not used the powers of his office to disturb the rights of the people, if he has not furnished money to corrupt elections, if he has simply confined himself to the duties of his office. I am not clamoring for his official blood. But, my fellow citizens, of these 120,000 men that now fill official positions in the country we have no right to suppose from all that has taken place that they are all honest [cheers and laughter], and the only way that we can know is to make a change. A month ago everybody supposed that all the employes in the Bureau of Medicine and Surgery were honest, and now, at the very first examination, it turns out that they are not. But what is the remedy? Put them out and put honest men in. [Cheers and cries of "That is it."] We can't do that if we leave the same President and head of departments and heads of bureaus in. I have every faith that this ticket will be elected. [Cries of "So have I."] I think I know something about Indiana. [Great cheers and laughter.] We will probably stand here together, won't we? [Cheers and cries of "You bet."] And this banner of right, of justice, of fair government, that has been put in the hands of Cleveland and Hendricks, shall be carried and placed in glorious triumph on top of the National Capitol in November next. [Great cheering and cries of "We will put it there."] Shall this be the people's banner? [Cries of "It is."]

Now, I have spoken longer than I intended. [Cries of "Go on" and "We are not tired yet."] I know when any of my Republican friends who are intending to stand by their party still longer shall see this numerous crowd to-night they will think the doom of fate has come at last. [Cheers and laughter.]

What does it mean? It means that the people intend to have reform [cheers], and that is the watchword that is written upon every Democratic banner. It was written upon the Democratic banner eight years ago, and Tilden and Hendricks carried that banner. [Cheers.] Reform was defeated by defeating the right of the people to elect their own rulers, [cheers], and what is the consequence? There has been no reduction of public expenditures, although the war was all the while passing further and further away from us. Still this Republican party makes no reduction in the public expenditures. Shall we have it? Shall we have cheap government? Shall we have lower taxes? They tell us that the Government can be well carried on for \$100,000,000 less a year than is now collected from the public. If Cleveland shall come into the Presidential office I believe he will bring the expenditures down to the last dollar that will support the Government economically administered [cheers], and then when he has done that he will have accomplished what Gen. Jackson said was the duty of every government. A government has not the right to collect a dollar from the people except what is necessary to meet the public service. [Cheers and cries of "That is right."] Whatever a government needs it has a right to come to me, to you, or all of us, and make us pay for; but when it gets all that it needs for economical administration it has not the right to take another sixpence out of our pockets, and that is all we ask. When this ticket shall wave in triumph that idea will be established in this country. [Cheers.]

## NAVY DEPARTMENT FRAUDS.

MR. CHANDLER INFORMS MR. HENDRICKS THAT DR. WALES IS THE SCAPEGOAT.

Secretary Chandler has written the following letter to Mr. Thomas A. Hendricks with regard to the frauds in the Navy Department referred to by the latter in his speech at Indianapolis Saturday night :

WASHINGTON, July 13, 1884.

*Hon. Thomas A. Hendricks, Indianapolis, Ind.:*

SIR—A candidate for Vice-President should speak with decent fairness.

In your speech at Indianapolis last Saturday night you made statements from which you meant that the public should believe that it appeared by my testimony that the frauds in the Bureau of Medicine and Surgery of this Department amounted during the past year to \$63,000; that I was informed of some of these outrages a year ago; that after I was informed of the frauds I disbelieved them, because members of Congress had recommended the continuance of the chief of the bureau, and that I took no adequate action concerning them; whereupon you demanded the election of a President who would appoint a chief of the bureau who would investigate the condition of the books and bring all the guilty parties to trial.

To the contrary of all this, I testified that the suspected vouchers commenced as far back as June 21, 1880, although a small voucher was paid as late as January 25, 1884; that while an anonymous letter of about a year ago charged drunkenness upon the chief clerk, Daniel Carrigan, which the chief of the bureau, Dr. Phillip S. Wales, reported to me was not true, I had no information leading to the frauds until December or January last; that I determined simultaneously with beginning investigation to have a new chief of bureau in place of Dr. Wales, whose term was to expire January 26, and also a new chief clerk; that great opposition to the change was made by members of Congress. I persisted and Dr. Wales went out on that date and Carrigan was put out February 4; and that the investigation into frauds and arrests of guilty parties have since proceeded with due diligence.

It is true that I stated that the recommendations for reappointment of Dr. Wales, whom I found in office, when I went in, April 17, 1882, were of such a character as to fully justify me in believing that the affairs of his bureau had been well administered.

Senator McPherson wrote the following letter:

UNITED STATES SENATE,

WASHINGTON, D. C., December 18, 1883.

To the President—SIR: As the term of office of Surgeon-General Wales, of the Navy Department, is soon to expire, and considering it not a political office, I presume, as I am a perfect prodigal with the article of advice, to ask, for the good of everybody and everything relating to that service, that you reappoint him. I do this because he is an excellent officer, having ability and energy, qualities not general in the naval service, and which, I think, should be nourished when discovered. I feel sure if any officer has deserved such recognition from the appointing power by reason of faithful and efficient service in the past, that officer is Surgeon-General Wales.

I am yours with very great respect,

J. R. MCPHERSON.



A petition for reappointment, written by Carrigan, was sent to the President, headed by J. G. Carlisle, followed by Phil B. Thompson, Jr., Leopold Morse, R. H. M. Davidson, D. Wyatt Aiken, William McAdoo, George D. Wise, John C. Nichols, P. A. Collins, H. B. Lovering, Robert B. Vance, D. W. Connolly, Chas. B. Lore, George A. Post, Albert L. Willis, Carleton Hunt, G. W. Hewitt, Wm. H. F. Fiedler and other representatives in Congress, saying of Dr. Wales, "he has administered the affairs of that bureau during the last four years with signal ability and success." United States Senators McPherson, Butler, Brown, Colquitt, Beck, Williams, C. W. Jones, Ransom and thirty-two other Senators, also using Carrigan as their writer, petitioned for Dr. Wales' reappointment, stating that his administrative capacity has been fully demonstrated by the successful management of the bureau of which he now has charge.

Senator McPherson and Speaker Carlisle and others of the most prominent of these gentlemen who demanded Dr. Wales' reappointment were with you in the convention at Chicago and could have informed you that he had borne a good reputation; that the law required that the chief of the bureau should be a naval surgeon and placed the medical expenditures in his hands; that his was in no sense a political office, but that if he had any politics he was a Democrat; and that any attempt to make political capital out of frauds for which this naval surgeon, who is their intimate friend, is solely responsible, would be disingenuous and unfair. That they did not succeed in keeping Dr. Wales and his chief clerk, Carrigan, in office, is very fortunate.

Very respectfully,

W. E. CHANDLER.

## MR. HENDRICKS TO MR. CHANDLER.

A SHARP REJOINDER TO THE LETTER OF THE SECRETARY OF THE NAVY.

INDIANAPOLIS, July 14.—Ex-Gov. Hendricks has written the following in response to the letter of Secretary Chandler published in the Associated Press papers this morning:

INDIANAPOLIS, IND., July 14, 1884.

Hon. W. E. Chandler:

SIR—I find in the newspapers this morning a letter to me from yourself, written yesterday and circulated through the Associated Press. You complain that I did you injustice in an address to the people of this city made the evening before. In that address I urged that "We need to have the books in the Government offices opened for examination," and as an illustration I cited the case of a fraudulent voucher in one of the bureaus of your department and stated that upon your testimony before a sub-committee of the Senate it appeared that the frauds amounted to \$63,000, and is not every word of that true? You were brought before the committee and testified, as I stated. You admitted, under oath, that the sum of money lost amounted to \$63,000; but your defense was that the embezzlement did not wholly occur under your administration, but that a part of it was under that of your predecessor. It seems to have covered the period from June 21, 1880, down to January 25, 1885. Does that help your case? You were at the head of the department a year and nine months of that period and your predecessor about one year and ten months. He was in office at the payment of the first false voucher, on June 21, 1880, and up to April 17, 1882, when you came in and you continued thence until the last false voucher was paid, January 25, 1884. The period was almost equally divided between yourself



and your predecessor. How much of the \$63,000 was paid out under yourself and how much under your predecessor your letter does not show.

But, sir, upon the question that I was discussing, does it make any difference who was Secretary when the false vouchers were paid ?

Judged that in cases like this when frauds are concocted in the vaults or in the books of the Department, the only remedy of the people is a change of the control so that the books and vouchers shall come under the examination of new and disinterested men. Do you think I am answered when you say I was mistaken in supposing that in this case the frauds were all under your administration, when, in fact, a part of them extended back into that of your predecessor?

Why, sir, that makes your case worse.

For the Bureau of Medicine and Surgery the defalcation is large, but the more serious fact is that it could and did extend through two administrations of the department, a period of nearly four years without detection.

You testified that some inquiry was made, and the conclusion was that, while there were some suspicious circumstances, they did not warrant a conclusion of guilt. After a notice, verbal and in writing, you left the men in office. You did not bring the frauds to light nor the guilty parties to punishment. It was Government Detective Wood who discovered the frauds, and the Associated Press report says that Wood declared he would have no further dealings with your department, but would press an investigation before Congress.

But it becomes more serious as far as you are individually concerned when the fact is considered that you had notice and took no sufficient action. The information upon which I spoke was from Washington the 26th of last month by the Associated Press, the same that brings me your letter. The Associated Press obtained its information either in your department or from the investigating committee. If you were not correctly reported that was the time for complaint and correction. You testified that the total of the suspicious vouchers discovered so far was about \$63,000, and that the money fraudulently obtained was in some instances divided between a watchman in the department, Carrigan, chief clerk, and Kirkwood in charge of the accounts.

Now, what notice had you ? According to the Associated Press report of your testimony you received a letter last year charging Carrigan, one of the parties, with drunkenness, and after that a man came to you and told you that Kirkwood and Carrigan were engaged in frauds. Did not that put you upon notice and investigation ?

What is your next excuse ? Worse, if possible, than all before. You say a large number of Congressmen, including some gentlemen of great influence and position, recommended that the head of the Bureau, Dr. Wales, should be reappointed. Members of Congress knew nothing of the frauds, they had no opportunity to know. It was within your reach and power. They were probably his personal friends; you were his official superior. But, in fact, did you reappoint him ? I understand not. Perhaps the detective discovered the frauds too soon. But Dr. Wales was not one of the three guilty parties. He neither forged the vouchers nor embezzled the money. His responsibility in the case is just the same as your own. He was the official superior of the three rogues as you were of himself, as well as of them. Neither he nor yourself exposed the frauds or punished the parties.

I have not thought of or considered this as a case of politics. Addressing my neighbors I said that this and like cases admonish them to demand civil service reform in the removal of all from office who will not seek to promote it within the sphere of their official duty and authority. Respectfully,

T. A. HENDRICKS.

## Civil Service Reform.

### Republican Tendencies.

The evil tendencies of the Republican party were never more forcibly illustrated than by one of its own distinguished members, Senator Hoar, of Massachusetts. In a speech in the Belknap trial he said :

#### Senator Hoar's Arraignment.

" My own public life has been a very brief and insignificant one, extending little beyond the duration of a single term of senatorial office ; but in that brief period, I have seen five judges of a high court of the United States driven from office by threats of impeachment for corruption or maladministration. I have heard the taunt, from friendliest lips, that when the United States presented herself in the East to take part with the civilized world in generous competition in the arts of life, the only product of her institutions in which she surpassed all others beyond question was her corruption. I have seen in the State of the Union foremost in power and wealth four judges of her courts impeached for corruption, and the political administration of her chief city become a disgrace and a by-word throughout the world. I have seen the chairman of the Committee on Military Affairs in the House, now a distinguished member of this court, rise in his place and demand the expulsion of four of his associates for making sale of their official privilege of selecting the youths to be educated at our great military school. When the greatest railroad of the world, binding together the continent and uniting the two great seas which wash our shores, was finished, I have seen our national triumph and exultation turned to bitterness and shame by the unanimous reports of three committees of Congress—two of the House and one here—that every step of that mighty enterprise had been taken in fraud. I have heard in the highest places the shameless doctrine avowed by men grown old in public office that the true way by which power should be gained in the Republic is to bribe the people with the offices created for their service, and the true end for which it should be used, when gained, is the promotion of selfish ambition and the gratification of personal revenge. I have heard that suspicion haunts the footsteps of trusted companions of the President."

#### Robber Barons.

In an able article on political assessments, in the *North American Review* for September, 1882, the writer points out its evils in the following way :

"The enforcement of this nefarious theory by the ' Robber Barons ' of politics was never so universal, so shameless, so barbarous, or so indiscreet as at this moment. The Federal pay-rolls call for more than fifty million dollars a year. On that sum the avowal is a levy of only two per cent., but the actual demand upon employees and small officials is far greater. If the committee expect to extort only a fourth of the one million dollars and more they demand, it but shows the effrontery of their pretense of a willingness to pay, and that they have no compunctions in excusing the landlord class and wringing the whole corruption fund from the most timid and humble of the tenant class. Very likely they expect little more from members of Congress and great officials than the pittance they got in 1878. It is not sharks and whales they have the courage to fish for, but herrings and dace. Boys are bullied for a dollar !

"Could the curtain of secrecy be lifted, we should see a vast drag-net of extortion thrown out by the committee from Washington over the whole land from Maine to California, with every humble official and laborer—from those under the sea at Hell Gate to the weather observers on Pike's Peak—entangled in its meshes ; and, busy among them,

for their prey, a series of tax extortioners ranging down from Hubbell the great Quæstor to little Hubbells by the hundred, each paid a commission\* on his collections in true Turkish fashion (to which the large amounts extorted beyond regular plunder rate are added.) These minions, book in hand, are haunting the official corridors and tracking the public laborers. They mouse around the bureaus for names and salaries which all high-toned officials contemptuously withhold. Neither sex, age, nor condition is spared by these spoils system harpies. They waylay the clerks going to their meals. They hunt the Springfield arsenal and the Mississippi breakwater laborers to their humble homes. They obtrude their impertinent faces upon the teachers of Indians and negroes at Hampden School and Carlisle Barracks. They dog navy-yard workmen to their narrow lodgings. The weary scrub-women are persecuted to their garrets; the poor office boys are bullied at their evening schools; the money needed for rent is taken from the aged father and only son; men enfeebled on the battle-fields are harried in the very shadow of the Capitol; life-boat crews, listening on stormy shores for the cry of the shipwrecked, and even chaplains and nurses at the bedside of the dying are not exempted from this merciless, mercenary, indecent conscription, which reproduces the infamy of oriental tax-farming.

"We know of the head of a family who hesitates between defying Hubbell and taking a meaner tenement; of a boy at evening school blackmailed of three dollars while wearing a suit given in charity, and of a son pillaged of seventeen dollars when furniture of the mother he supports was in pawn; and many have consulted us as to the safety of keeping their earnings which they need. In every case there is fear of removal or other retaliation. Pages could be filled with such cases from the reports of citizens. A newspaper before us gives that of a laborer, with a family, earning seven hundred and fifty dollars a year, pursued by a harpy for fifteen dollars; and also that of a boy of thirteen, earning one dollar a day, with another harpy after him for three dollars and sixty cents. To women and girls no mercy is shown."

"The tendency of the Republican party toward corruption and decay was never better exemplified than during the campaign of 1882. Notwithstanding the reckless spoils system culminated a year previous in the assassination of their President, the Republicans continued their demoralizing practices and ridiculed the idea of reform. One of their insults to society and the cause of good government was the assessment of federal office-holders.

#### Hubbell's Letters of Assessment.

The following was the first letter sent out by the Republican Congressional Committee in 1882:

[Jay A. Hubbell, Chairman; D. B. Henderson, Secretary; Executive Committee, Hon. W. B. Allison, Hon. Eugene Hale, Hon. Nelson W. Aldrich, Hon. Frank Hiscock, Hon. George M. Robeson, Hon. Wm. McKinley, Jr., Hon. George R. Davis, Hon. Horatio G. Fisher, Hon. Horace F. Page, Hon. W. H. Calkins, Hon. Thomas Ryan, Hon. William D. Washburn, Hon. L. C. Houck, Hon. R. T. Van Horn, Hon. Orlando Hubbs.]

HEADQUARTERS OF THE  
REPUBLICAN CONGRESSIONAL COMMITTEE, 1882, }  
520 THIRTEENTH STREET, NORTHWEST,  
WASHINGTON, D. C., May 15, 1882. }

SIR—This committee is organized for the protection of the interests of the Republican party in each of the Congressional districts of the Union. In order that it may prepare, print and circulate suitable documents illustrating the issues which distinguish the Republican party from any other and may meet all proper expenses incident to the campaign, the committee feels authorized to apply to all citizens whose principles or interests are involved in the struggle. Under the circumstances in which the country finds itself placed, the committee believes that you will esteem it both a privilege and a pleasure to make to its funds a contribution, which it is hoped may not be less than \$——. The committee is authorized to state that such voluntary contributions from persons employed in the service of the United States will not be objected to in any official quarter.

\* NOTE.—Not Hubbell, perhaps, for he disinterestedly took a round five thousand dollars—one-tenth of the whole—for his own dear Michigan in 1878, and doubtless expects ten thousand dollars this year. Surely he will go back to Washington; and what gratitude from the "shysters and camp-followers" of his.

The labors of the committee will affect the result of the Presidential election in 1884 as well as the Congressional struggle; and it may therefore reasonably hope to have the sympathy and assistance of all who look with dread upon the possibility of the restoration of the Democratic party to the control of the Government.

Please make prompt and favorable response to this letter by bank-check or draft or postal money order, payable to the order of JAY A. HUBBELL, acting treasurer, P.O. lock box 589, Washington, D. C.

By order of the committee.

D. B. HENDERSON, Secretary.

The second letter had the true highwayman ring, and was more in harmony with the characteristics of the stalwart leaders. It was as follows:

WASHINGTON, D. C., August 15, 1882.

SIR—Your failure to respond to the circular of May 15, 1882, sent to you by this committee, is noted with surprise. It is hoped that the only reason for such failure is that the matter escaped your attention owing to press of other cares.

Great political battles cannot be won in this way. This committee cannot hope to succeed in the pending struggle if those most directly benefited by success are unwilling or neglect to aid in a substantial manner.

We are on the skirmish line of 1884, with a conflict before us, this fall, of great moment to the Republic, and you must know that a repulse now is full of danger to the next Presidential campaign.

Unless you think that our grand old party ought not to succeed, help it now in its struggle to build up a new South, in which there shall be, as in the North, a free ballot and a fair count, and to maintain such hold in the North as shall insure good government to the country.

It is hoped that by return mail you will send a voluntary contribution equal to two per cent. of your annual compensation, as a substantial proof of your earnest desire for the success of the Republican party this fall, transmitting by draft or postal money order, payable to the order of JAY A. HUBBELL, acting Treasurer. post-office lock box 589, Washington, D. C.

#### Letters of the Present Campaign.

The tendencies of the party during the present campaign are in the same direction, but artfully concealed to avoid a clash with the new Civil Service law of which a distinguished Democrat, Senator Pendleton, of Ohio, was the author.

The party still has a covetous affection for the money of the department clerks, as may be seen from the following circular:

1421 NEW YORK AVENUE, WASHINGTON, D. C.,  
August 1, 1884.

The undersigned have been requested by the Republican National Committee to act as a Finance Committee for the District of Columbia in the collection of funds to be used by said National Committee in the present political campaign. We have agreed to act, and have organized by the selection of A. M. Clapp as Chairman, W. H. Lowdermilk as Secretary, and Green B. Raum as Treasurer. On and after this date we will be prepared to receive and receipt for such sums as persons may wish to contribute to the campaign fund of the Republican party.

The rooms of the Committee, 1421 N. Y. Ave., will be open daily from 8.30 A. M. to 9 P. M.

A. M. CLAPP, Chairman.

W. H. LOWDERMILK, Sec'y.

GREEN B. RAUM, Treas.

DR. E. A. ADAMS.

R. T. GREENER.

The following letters sent to the clerks in the Departments at Washington, the first one accompanying the above letter, are further evidence of their attempt to circumvent the law:

B. F. JONES, Pennsylvania, *Chairman*.

SAMUEL FESSENDEN, Connecticut, *Secretary*.

HEADQUARTERS REPUBLICAN NATIONAL COMMITTEE,  
No. 242 FIFTH AVENUE,  
NEW YORK CITY, August 8, 1884.

[DICTATED LETTER.]

DEAR SIR: The pending Presidential campaign is of unusual importance to the country. Every Republican is deeply interested in its result. The National Committee,



on behalf of the Republican party, desires to make it justly vigorous and effective, and success certain in November. Funds are required, however, to meet the lawful and proper expenses of the campaign; and, to provide the same, the Committee finds itself dependent upon the liberality of Republicans to make such voluntary contributions as their means will permit, and as they feel inclined to give. You are therefore respectfully invited to send, as soon as you conveniently may, by draft on New York or postal money order to the order of B. F. Jones, Chairman Republican National Committee, No. 242 Fifth avenue, New York City, such sum as you may desire to contribute for the objects before mentioned. A receipt for the same will be sent by return mail.

The Committee cheerfully calls the attention of every person holding any office, place, or employment under the United States or any of the Departments of the Government, to the provisions of the act of Congress entitled: "An act to regulate and improve the civil service of the United States," approved January, 16, 1883, and states that its influence will be exerted in conformity therewith.

Respectfully,

B. F. JONES, Chairman.

HEADQUARTERS REPUBLICAN STATE COMMITTEE, {  
(St. Cloud Hotel, Parlor C.) }

*Chairman*—Thomas V. Cooper.

*Secretaries*—George Pearson, Chief; Joseph M. Gazzam, E. F. Acheson, Joseph Ad. Thomson, John H. Landis, John S. Blair, W. H. Ritter, Wm. B. Huston, George O. Cornelius, John A. Seiders, Charles F. Evans, Ezra Lukens, J. D. Laciari, A. W. McCoy.

[Dictated.]

PHILADELPHIA, 1884.

DEAR SIR: The Republican State Committee of Pennsylvania is compelled to call upon all friends of the cause, whose interests or inclination it is to give, for the funds necessary to sustain its efforts in the pending Presidential campaign—a campaign never exceeded in public concern or importance in the history of the country. It involves both our industrial and political welfare.

I have the honor to solicit from you such contribution to the State Committee's treasury as your devotion to the party may prompt you to make, and to suggest that early contributions not only enable us to do better work, but to promptly extend aid where it is most needed, without waste or confusion.

You are aware that the present laws of the United States and Pennsylvania—which law shall be faithfully observed by this Committee—prohibit the assessment of office-holders for political purposes. The right, however, of all, whether office-holders or not, to send to their Committee amounts commensurate with their interest in the contest, is not questioned, either by the law or public sentiment.

The appeal of your State Committee is therefore directed to all whom it has reason to believe are willing and able to give. Send by postal order or check to

THOS. V. COOPER, Chairman.

This letter was sent to a clerk in one of the departments at Washington, receiving an annual salary of \$1,400. He holds a receipt from Chairman Cooper for \$40; and similar letters have been sent postmasters throughout Pennsylvania.

## Democratic Principles and Protests.

On the 26th of June, 1882, Senator Pendleton offered in the Senate a resolution instructing the Committee on Civil Service and Retrenchment to inquire whether any attempt had been made to levy and collect assessments for political partisan purposes from any employees of the Government. In speaking upon this resolution he made some very pointed remarks upon the Hubbell assessment letter, which we have published above. He said:

"Mr. President, when I offered this resolution two or three weeks ago I was anxious for information. I did not know the state of facts as they existed at that time. I had seen mentioned in the newspapers that the Republican Congressional Committee was about to take means to replenish its funds, and vague intimations were given that a circular under the form of a request for voluntary contributions, but in fact a demand for specific sums of money, was being distributed among the employees of the Departments and the employees of the two Houses of Congress. I had also heard that this

circular was drafted by authority, and that its language conveyed covert promises, with implied threats, in case the demands were not acceded to.

"I was quite astonished, somewhat startled, when I found that this resolution met with objection. I had supposed that no Senator would object to having the truth discovered as to this circular and its intent; and certainly that no Senator would object to the inquiry whether contributions were being levied under the guise of invitations for voluntary contributions.

"Mr. President, I was not quite as much astonished as those words would imply, and candor requires me to say that I was more astonished at the form than the substance of the objection. I had thought if gentlemen objected to it at all they would not do so in express words, but would consign my resolution to an untimely grave in the friendly grasp of a committee of investigation.

"Be that as it may, I desired information and was sincerely seeking it. A friend of mine who sits upon this floor and who has some opportunities of knowledge gave to me one of the circulars. He gave it rather in confidence, though not entirely so, rather with the understanding that I should use it for my own information than otherwise; but I was enabled to hand back that circular to him within two days, not having exhibited it to anybody else and scarcely having had time to read it myself, for as soon as the resolution appeared in the newspapers I received from many cities and from many States and from many classes of employees of this Government copies of the circular which had been sent to them. I have in my hand quite a number of copies of it. It is very nicely gotten up, written with care, as nicely as a *billet doux* between lovers or an hospitable invitation to dinner.

\* \* \* \* \*

"As far as I have seen, all of these circulars are in exactly the same language, except that a blank was left in each originally to be filled by the amount which a certain specified proportion of the salary that the man received would reach. Now, sir, in order that there may be no charge of unfair dealing with this committee and its circular, I have read to the Senate every word of it, and I ask the Senate to consider it a little in detail.

"The committee is organized for the protection of the interests of the Republican party in each of the Congressional districts of the Union."

"Party from beginning to end, the country nowhere alluded to—"the interests of the Republican party in each of the Congressional districts."

"In order that it may prepare, print, and circulate suitable documents illustrating the issues which distinguish the Republican party from any other, and may meet all proper expenses incident to the campaign the committee feels authorized—

" 'Feels authorized!' What necessity is there to have authority to invite gentlemen who desire to make a voluntary contribution to a political fund? What is the necessity for any authority for an invitation of that kind?

" 'Authorized!' By whom authorized—for what purpose authorized? To apply for contributions to the Republican expense fund! Apply to whom? Apply to 'all those whose interests are involved in this struggle.'

"The committee discriminates very closely between those whose principles lead them to desire the success of the Republican party and those whose interests are involved in the struggle; those whose principles or interests induce them to take an interest in this struggle. Who are they, Mr. President? Who are interested beyond what their principles require in the success of the Republican party in the coming campaign? It is the officers; it is the office-holders; it is those who enjoy the powers and emoluments of office; it is those who are in possession of the political power and the moneyed emolument at the disposal of the party. When application is to be made for authority to apply to these offices for a money contribution, who is it that can give the authority to make the application? Manifestly those who have the power of appointment and dismissal; manifestly those who can say to these gentlemen whose interests are involved, 'contribute to the success of this party or the power of appointment and dismissal is hung over your head.' I submit to the gentlemen on this committee that the paraphrase was entirely unnecessary. I submit that the circumlocution was entirely out of place, and that it would have been much more direct and much more pointed and equally delicate to have said, 'we are authorized by those who have the power of appointment and dismissal to say to you whose offices are involved in this struggle that we are authorized to make this application for money to you.'

"The circular starts out with a declaration on its face, which any man who can read at all can read between the lines: We are authorized by those who hold your places in their hands to apply to you office-holders of the Government to make this contribution because your interests are involved in this struggle.

"The circular continues:

"Under the circumstances in which the country finds itself placed, the committee believes that you will esteem it both a privilege and a pleasure to make to its fund a contribution.

"A privilege and a pleasure!" Indeed, a blessed privilege; an exquisite pleasure! These officers forsooth, would never have had the opportunity of enjoying this privilege and pleasure if this committee had not given them the opportunity and the method; the opportunity in the sinking circumstances of the fortunes of the Republican party, and the method by contributions to the committee! Knowing that these office-holders would be excluded from the enjoyment of this privilege and this pleasure, except for the invitation of this committee, thus kindly tendered to them; knowing that as soon as they heard it these officers would be able and willing, nay, would be eager and anxious, to embrace the opportunity, this committee, fearing that in a moment of enthusiasm and desire to indulge in the enjoyment of this privilege and pleasure the office-holders might contribute in excess of what was proper, or fearing on the other hand lest an ascetic self-denial might keep them below the bounds of legal moderation, inform the office-holders that the committee judge it would be about right that they should enjoy this privilege and pleasure to the extent of \$20 worth; and then fearing that that might be a damper upon their ardor, the committee express the hope that the contribution shall not be less than the amount suggested by the committee, to wit, \$20.

"The committee is authorized to state that such voluntary contributions—

"Voluntary contribution!" Voluntary as the contribution the traveler makes to the pocket of the highwayman when commanded to stop and hold up his hands; voluntary as the contribution which the man of the world makes to the harvest of the Great Reaper when he puts in his scythe.

"Voluntary contributions from persons employed in the service of the United States will not be objected to in any official quarter."

"Mr. President, is a voluntary contribution objected to anywhere? And does it need any close discrimination as to that passage to see that it means that, while contributions will not be objected to in any official quarter, a refusal to make the contribution will meet with the condemnation of all official quarters?

"The labors of the committee will affect the result of the Presidential election in 1884, as well as the Congressional struggle, and it may therefore reasonably hope to have the sympathy and assistance of all who look with dread upon the possibility of the restoration of the Democratic party to the control of the Government."

"With dread!" Who look with dread upon it? What sensible man in this country looks with dread upon it? The people of the country do not look with dread, the material interests of the country do not look with dread, the patriotism of the country does not look with dread, for at the last two Presidential elections the people of this country have been as nearly as possible divided in numbers upon the question as to which party better deserves success. In the Presidential election before the last it is an undisputed fact that a numerical majority of the people of the United States did actually vote to restore the Democratic party to power.

"We appeal to you for sympathy and assistance, and we hope you will make prompt and favorable response to this letter.' How? By sympathy? By expressions of confidence? By telling us the political necessities of your neighborhood? By going forth as an apostle to demonstrate to the people the excellence of the principles of the Republican party? No, sir; none of such sympathy we want. It is your assistance, which we hope you will promptly send to us by sending 'a bank check, or draft, or postal money order,' payable to the treasurer of this committee.

"Now, Mr. President, I will not insult the Senate by undertaking to prove to it that this is no invitation for a voluntary contribution. I will not waste its time by showing that it is a demand for a specific sum of money, levied according to a rule, accompanied by a promise and a threat. 'Your purse or your official life,' is the alternative offered; or to use the language of President Garfield in describing a circular almost identical in terms with this, 'It is a circular sent to the employees of the Government upon the distinct understanding that if they fail to make return according to the demand, in check or postal money-order, others will be found to take their places who will receive their salaries and pay up the assessment.'

"Mr. President, to whom has the circular been sent? I venture to say here upon this floor, and I speak it upon information which challenges my belief, that this circular has been sent out to every person whose name can be found on any of the rolls of employees of the Government, however remote they may be from the source of power itself. The circular has been sent to the Boston custom-house—seven hundred copies of it—and a demand made for an aggregate of \$15,000. It has been sent to the armory at Springfield, and an assessment of \$18 been made upon each armorer in that institution. It has been sent to the great offices in New York, the post-office and the custom-house, and the



collector's office, and the various institutions connected with the Government there. They had won exceptional credit by reason of their freedom from the debasing arts of political assessments, and yet are to be again plunged into the mire from which they so laboriously have emerged. It has been sent out to employees at Chicago, and assessments made there at \$9.30. It has been sent to every postmaster in the country; at least I have returns from almost every State east of Nevada. It has been sent to the men engaged upon the works on the Ohio river at Marietta, and \$18 has been assessed and demanded of men who day by day for their daily wages cut stone in making the dam. It has been sent to every employee in the Departments in Washington, every clerk, and they have been assessed in various amounts from \$18 to \$50. This circular has been sent to men who are engaged in daily labor on the Capitol grounds, digging up and beautifying these grounds, and \$6 has been assessed upon each of them. It has been sent to the boys in the Printing Office, to whom you pay only a dollar a day and furlough them without pay, and \$7 has been demanded from each of them. It has been sent to enlisted men in the army, and an assessment of \$18 made upon men who are paid from the army appropriation bill. Wherever a name can be found upon the pay-roll of the government for any amount, great or small, this circular has been sent, and it is being sent now to those to whom time has not allowed it to be sent before.

"I said it had been sent to every clerk in all these departments. Why, sir, it has been sent to those unfortunate ladies whom the exigencies of life now compel to support a family off the pittance earned painfully by them, which would scarcely have sufficed to dispense their yearly charity in other days. It has been sent to the women who scrub out the departments in this city, and whose poverty is so great that when they leave for their daily work they are obliged to lock up in their close and fetid room the infant children who cannot be allowed to wander in danger in the streets. It has been sent to the employees of the Senate, and men have been required to pay \$30 in order that they may hold their places.

Nay, more, Mr. President, it has been sent, at least in the other House, and possibly in this, to the little pages, bright, intelligent, active little fellows, who do the bidding of members there and here. I imagine I can see this grave committee, with this circular in their hands, going to one of these little pages and saying to him by his appreciation of the emergencies of the country, by his appreciation of the excellence of Republican practices, by his dread of the restoration of the Democratic Party to power, he shall make his contribution of \$9 in order to avert such a terrible calamity.

Mr. President, if this were not a sad scene of political degeneracy and partisan tyranny it would be in many of its aspects a broad farce.

"I have no fitting words in which to express my apprehension of the degradation and danger of this whole system, of which this is one of the most dangerous outgrowths. It demoralizes and breaks down every man connected with it, those who give and those who take alike. Among the names on this circular are some of our own cherished associates and members, men of the other House also, who stand high in the estimation of their party and their country. They are important factors in weilding the political destinies not only of their party but of their country, honorable, upright, excellent gentlemen, to whom we would willingly commit, and do commit our honor, and if necessary would commit our lives, men who could not be forced even by torture to go themselves and with this circular in their hand to make applications to these persons to whom it is sent; men who could not be induced to do it; who would feel it to be a personal dishonor to do it. Yet together they combine and put in operation this machine which has no heart to be touched, no body to be punished, no soul to be damned, to visit the houses of the widow and the fatherless, and extract from them for political partisan purposes a large proportion of their hard earnings.

"It degrades the men to whom it is sent. What sense of self-respect can there be in a man who feels himself compelled to submit to this extortion which his honest judgment abhors and which his penury rejects, and yet is obliged with a hypocritical smile to pretend that it is a voluntary contribution? What faithful, honest personal service in office can a man render when he feels that upon his very best service is put this badge of servitude? How can he admire with his whole heart as he ought and devote himself absolutely to the duties of an office when he is made to buy with money, that office which he knows, and everybody who will think a moment knows, is a public trust involving duties to the public? What discipline can there be in a system when all above him and all below him are bound together by the consciousness of this common degradation? The galley slaves are chained together, their proximity making them conscious of the common infamy, and the common degradation and the common punishment make them hate and despise and dread and suspect and injure each other.



"Mr. President, this system is a great wrong to the people. A fair day's work and a fair day's pay is common honesty imported into our Government. If these employees can have extracted and abstracted from their salary 2 or 4 or 10 per cent., and yet sufficient remuneration left to them, then I say the deduction should be made directly from their salary and be left in the Treasury.

"I will not speak of what this system may be, if against their interest, against their will, against their moneyed capacity, these men are compelled to submit these contributions if they are extracted out of the suffering of themselves and their families. When I see that this system tends to such degradation, such demoralization, to the breaking down of our civil administration, the destruction of the instinct and patriotism in our country, I declare upon my conscience I believe it would be better for the country, better for the service, better for the people, if a felonious hand were put into the Treasury of the United States and this money were abstracted for this purpose and a clear thing be made of it by charging it up to "soap."

\* \* \* \* \*

"Have we not been told, are we not told constantly, that this Republican party is the party of God and morality in the country? Has not the gentleman declared with a seriousness of tone and sincerity of manner that leaves no room to doubt his conviction of the truth, that it is the best and purest party that has ever existed in this government? Why, sir, I have read the description of a party like this: 'But all their works they do for to be seen of men; they make broad their phylacteries, and enlarge the borders of their garments; and love the uppermost rooms at feasts and the chief seats in the synagogues; and greetings in the markets, and to be called of men, "Rabbi, rabbi."'

"And if, after making all the professions of purity and excellence and faith, when you happen through the flimsy device to be caught in evil practices, you seek to screen yourselves from the consequences behind the examples of others, there will be denounced against you that terrible anathema. 'Woe unto you \* \* \* hypocrites, for ye devour widow's houses, and for a pretence make long prayer; therefore ye shall receive the greater damnation.'

"Mr. President, men of our race and language have always been tenacious of the purity of the civil service of their government. Even as our fathers emerged from the ages which we are in the habit of calling dark, they began to require that the purity of civil service should be the characteristic of their kings as well as of their commons. Six hundred and fifty and more years ago King John in the Magna Charta was compelled to declare:

"We will not make any justiciars, constables, sheriffs or bailiffs, but of such as are knowing in the law of the realm, and are disposed duly to observe it."

"Nearly a hundred years afterward, in the time of Richard II., in 1288, the Commons passed a statute—

"That the chancellor, treasurer, etc., the justices of the one bench, and of the other, etc., and all other that shall be called to ordain, name or make justices of the peace, sheriffs, escheators, customs, comptrollers or any other officer or minister of the king, shall be firmly sworn that they shall not ordain, name or make justice of the peace, sheriff, escheator, customer, comptroller, nor other officer or minister of the king for any gift or brokerage, favor or affection; nor that none which pursueth, by him or other, privily or openly, to be in any manner office, shall be put in the same office or in any other; but that they shall make all such officers and ministers of the best and most lawful men, and sufficient to their estimation and knowledge."

"Lord Coke says that that was—

"A law worthy to be written in LETTERS OF GOLD, but more worthy to be put in due execution."

"A few years passed on and Edward IV., pressed by his necessities, commenced to levy 'benevolence' upon the commons of England, which the people very turbulently, as he thought, called 'malevolence,' and thereupon, in the first year of Richard III., the bloody monster as he was called, Lord Coke mentions how 'the exaction under the good name of *benevolence*,' begun in 12 Edward 4, came to be so that 'many of the people did much grudge at it and called it a *malevolence*.' He refers to 1 Richard III., wherein the commons recite:

"That 'the commons of this realm, by new and unlawful inventions and inordinate *covetise* against the law of this realm, have been put to great thralldom and *importable* charges and exactions, and in especial by a new imposition named a *benevolence*, whereby divers years, the subjects and commons of this realm, against their wills and freedom, have paid great sums of money'—

"After which, and other recitals, it is ordained—

"That his subjects and the commonality of this his realm, from henceforth in no wise be charged by none such charge (exaction) or imposition called benevolence, nor by such like charge; and that such exactions called benevolences afore this time taken *betake* for no example to make such or any like charge of any his said subjects of this realm hereafter, but it be *damm'd* and *annul'd* forever."

"And Lord Coke, speaking of this very statute, 1 Richard III, says that—

"Of the acts of Richard the Third one of the wisest was that of 1 Ric. III., ch. 2, 'an act to free the subjects from *benevolences*!' But he did not adhere to it. There is mention of letters sent by him exacting these benevolences and specifying the sum which each person was *required to give*. It is stated that 'this' was 'a fatal blow at what remained of his popularity.'

"History repeats itself. Benevolence exacted for his private purposes by the king which the people called malevolences, and which were rejected and repudiated by the Commons. He seemed to favor the rejection, but he sent out circulars even in those days to his good subjects, and specified in those circulars the amount of money which he required them to pay. Behold the example which this committee has followed!

"Mr. President, to these principles embodied in Magna Charta, embodied in these statutes, the people of our race have always been true. Sometimes they have wandered, sometimes they have straggled from the paths, but they have speedily returned to them, and in their return they have always been led in England by the Commons, and in this country by the Democratic party. To-day the time has come when they shall be led again to appreciate the beneficence of a pure civil administration. To-day the Democratic party is putting itself at the head of that return, civil service reform is writ on its escutcheon and emblazoned on its banner. By its strength and in order to perfect it, the Democratic party will sooner or later come into power. I say to Senators on the other side of the Chamber that the sooner it comes into power the better it will be for them and for the country. It may for a moment wound their susceptibilities, but it will advance their prosperity and their liberties. When that time does come, when we shall take possession of this Government, when we shall put in the high places of power our worthiest and best, the President of the United States, the chief of the state, under the people the source and fountain of honor and powers in this country, will be able to say to all as Van Artevelde said in response to Vauclaire who was thanking him for his promotion :

Nay I say no more,  
You owe me nothing; what have I to give  
Is held in trust, and parted with for services;  
Value received is writ on my commissions;  
Nor would I thank the man that should thank me  
For aught as given him gratis. \* \* \*

Supremacy of merit, the sole means  
And broad highway to power. \* \* \*  
\* \* \* meritoriously administer'd  
While all us insurments from first to last,  
The tools of state, for service high or low,  
\* \* \* chosen for their aptness to those ends  
Which virtue meditates.

## The Overthrow of Monopolies.

There is no question before the people of the United States involving such vast interests as the question of the forfeiture of the unearned lands granted to railroads, and, it may be added, that there is no question of vast public concern so little understood. One is apt to be dazzled by the magnitude of the subject, and not fully to understand it. We speak in this chapter of bodies of land larger than New England; of tracts that have been granted to corporations equal in size to the kingdoms that have ruled the world; of hundreds of millions of acres that have been given away, valued at hundreds of millions of dollars. We give at length the history of these grants, present tables showing the amount of land granted, and give references to the law in each case. The record of the Republican party on this question has been made; it is here given; by the record let it be judged.

### History of Our Public Lands.

The "era of the birth of monopolies" in this country covers but a short period of time, but the injury inflicted is incalculable. That era dates from July 1, 1862, and extends to March 3, 1871. The former date was the date of the Union Pacific act, and the latter the Texas Pacific act. From July 1, 1862, to March 3, 1871, less than nine years, public lands were voted away to corporations to the amount of 144,538,134 acres. By law, the roads earned 49,410,380 acres, leaving 95,127,754 acres that can and should be reclaimed for the people. There is besides this nearly ten million acres, comprised in grants made to States that are forfeitable and should be reclaimed, making the grand total of lands to be reclaimed over one hundred million acres of land.

#### The Public Domain—How Acquired.

Perhaps the first thing that should be done to enable the reader to clearly understand the condition of the public domain is to show its original extent, how portions of it have been disposed of, how much of it remains, and the claims that are made upon it.

The United States held and claimed no land in the thirteen original States, so that the land (341,782 square miles, or 218,740,480 acres) included within the boundaries of these States is not to be considered.

The first public lands belonging to the Government were cessions by some of these States, viz.: Massachusetts, Connecticut, New York, Virginia, North and South Carolina, and Georgia, of lands held by them under grants from Great Britain. The amounts ceded were by

	Acres.
New York and Massachusetts.....	202,187
Virginia (exclusive of Kentucky).....	165,659,680
South Carolina.....	3,136,000
Georgia.....	56,689,930
North Carolina.....	29,184,000
Connecticut.....	4,300,000
Total .....	259,171,797

Of the amount ceded by Virginia, Massachusetts claimed 34,560,000 acres, and Connecticut claimed 23,000,000 acres ; but whatever rights they had, if any, were given to the general Government.

The session from North Carolina, while it gave jurisdictional rights did not really give any land, as the territory ceded (now the State of Tennessee) was completely covered with reservations. This makes the actual number of acres acquired by these sessions, which the Government could sell or dispose of, to be 229,987,187 acres, or 359,356 square miles.

Over the territory now included in the State of Kentucky, Government was given jurisdictional control, but it acquired no lands, as these like the lands in Tennessee, had been disposed of by the State in grants.

The next land acquired was by the treaty of 1803 with France, when the territory of Louisiana was purchased, at a total cost of \$27,267,622. This territory contained 756,961,280 acres, being larger in extent than the original thirteen States and all their territorial possessions, which only amounted to 531,200,000 acres.

This purchase included parts of the present States of Alabama and Mississippi, all of Louisiana, Arkansas, Missouri, Iowa and Nebraska, nearly all of Minnesota and Kansas, all of Dakota, Montana, Idaho, and the Indian Territory, with parts of Wyoming and Colorado.

The next acquisition was in 1819 from Spain, the territory of Florida, containing 37,931,520 acres, the cost being \$6,489,768.

From Mexico, by the treaty of Gaudalupe Hidalgo, Feb. 2, 1848, 334,443,520 acres were acquired, costing \$15,000,000. This territory comprises California, Nevada, part of Colorado, Utah, and the greater part of New Mexico and Arizona.

In 1850 the Government purchased from Texas certain lands claimed by it, amounting to 65,130,880 acres, at a cost of \$16,000,000.

In 1853 the Gadsden purchase was made from Mexico, comprising 29,142,400 acres, at a cost of \$10,000,000. This purchase forms a part of the territory of Arizona and New Mexico.

In 1867 the territory of Alaska was purchased for \$7,200,000, and comprises 369,529,600 acres.

So that the public domain of the United States consists of

	Acres.
Cession from the original States.....	229,987,187
Louisiana purchase.....	756,961,280
Florida.....	37,931,520
Mexican Treaty.....	334,443,520
Purchase from Texas.....	61,892,480
Gadsden purchase.....	29,142,400
Alaska.....	369,529,600
Total.....	1,819,887,987

In this the State of Texas is not included, as by the treaty of annexation it retained the ownership of all public lands within its borders.

#### How the Domain has been Disposed of.

Of these lands up to June 30, 1880, there had been surveyed 752,557,195 acres, and of this there remained undisposed of, 24,802,711 acres, making with the unsurveyed land the number of acres now owned by the Government, 1,273,946,438.



The public lands (542,000,000 acres) which have been disposed of, have been used in the following ways :

	Acres.
Sold.....	200,000,000
Given to States as swamp land .....	70,000,000
Given to States for internal improvement.....	8,000,000
Given to States salt springs .....	1,000,000
Given to States Florida, Oregon and New Mexico.....	3,000,000
Given to States for schools and colleges.....	79,000,000
Land bounties for military and naval service.....	61,000,000
Homesteads .....	56,000,000
Timber culture.....	10,000,000
Canals and wagon roads.....	6,000,000
Desert Land act.....	1,000,000
Given to States for railroads.....	36,000,000
Patented to railroad corporations.....	11,000,000
Total.....	542,000,000

This leaves only 6,000,000 acres of the public domain which has been disposed of unaccounted for, and this has been disposed of at various times in small bodies by Congress for different purposes.

The public domain not disposed of consists, as before stated, of 1,273,946,438 acres. For public use we must deduct from this the Indian and Military Reservations—157,000,000 acres, and private land claims, 80,000,000, a total of 237,000,000 ; which would leave the available lands at 1,036,946,438 acres. In considering its disposition, from this we must deduct Alaska as totally unavailable for settlement and cultivation, which leaves 676,000,000 acres ; 26,000,000 of this is in the Southern States, leaving 650,000,000 in the Territories and States of the West through which the grant railroads are being built. Of this amount, at least 400,000,000 acres are mountain lands, unsuitable for cultivation.

This leaves now in possession of the United States, about 250,000,000 acres of available land, of which the various States to which grants were made claim about 5,000,000 acres ; and the estimate of the Land Office is that it will require about one hundred and twenty-five million acres to satisfy the claims of the corporations ; and these claims are based upon grants demanding work to be done which has not been done, so the lands have not been earned, and are justly forfeited to the people of the United States.

Reports of various Secretaries of the Interior, letters and orders written by them, and opinions promulgated by the Attorney-General, which will be given, show that unless Congress takes definite action upon this subject, titles will be made to a large portion of this one hundred and twenty-five million acres, within a short time.

#### The Laws for Internal Improvements.

Having shown fully the amount of land owned by the United States, and how it was acquired, how much of it has been used, we will now examine the laws made to aid in building railroads and other internal improvements.

When the United States Government was young, it was rich in land and poor in other resources, and the policy of aiding public works by land grants was inaugurated at an early date, but until 1862 all grants were made to the States wherein the work was contemplated, and the State securing the ground was held to account for it.

The State of Ohio was the recipient of the first land grant for public improvements. April 30th, 1802, one-twentieth; (5 per cent.) of the net proceeds of land sold in the State, was given it for "laying out and making roads." March 3d, 1803, three per cent. additional was given.

In 1824 the first land grant was made for canal purposes, and the last was made in 1866. All these grants were to States, and the amounts are as follows: Indiana, 1,457,336 acres; Michigan, 1,250,000; Ohio, 1,100,361; Wisconsin, 325,453; Illinois, 290,915, a total of 4,424,065 acres granted for canals.

For military roads there was granted, from 1863 to 1872, to Oregon, 777,097 acres; Michigan, 321,013; Wisconsin, 302,930, a total of 1,401,040 acres.

The first grant in aid of a railroad was made September 20, 1850, (Stat. at Large, vol. 9, page 466) to the State of Illinois. The even numbered sections, for six miles on each side of the road, were given, and indemnity for occupied lands was allowed for fifteen miles on each side. The sum total of this grant was 2,595,053 acres, and through its means 1,320 miles of railroad were built, being one mile of road for each 1,965 acres of land. The State, through its charter, required the railroad company to which the land was given to pay five to seven per cent. of its gross income to the State. Under this law the Illinois Central, up to 1880, had paid the State over \$8,000,000, and the future annual income is estimated at \$350,000, the stock of the company now selling at a premium of \$45 even after such payments had been made to the State.

The same bill (Stat. at Large, vol. 9, page 466), contained a similar grant to the States of Alabama and Mississippi, to aid in the construction of the Mobile and Ohio road, which was to connect with the Illinois road at Cairo. There has been patented to these States, for this road, Mississippi, 737,130 acres, Alabama, 419,428 acres, a total of 1,156,558 acres.

The next land grant was made June 10, 1852 (Stat. at Large, vol. 10, page 8), and was to the State of Missouri. The amounts granted by this act were the same as had been given to Illinois, and by this grant, which amounted to 1,764,710 acres, the southwest branch of the Pacific (now the San Francisco), 292 miles long, and the Hannibal & St. Joseph, 292 miles long, a total of 584 miles long, were built. Missouri thus secured one mile of railroad for every three thousand acres of land granted. (Round numbers).

February 9, 1853 (Stat. at Large, vol. 10, page 155), the act was passed granting to Arkansas and Missouri, lands to aid in the construction of a road from Cairo, at the mouth of the Ohio river, to Fulton, on Red River, and from opposite Memphis, Tennessee, via Little Rock to Fort Smith, Arkansas. This grant, like the others, was only six sections to the mile, but was afterwards increased to ten. Under this law the St. Louis, Iron Mountain & Southern, from St. Louis and Cairo to Fulton, 339 miles long, has been built and has received 1,486,383 acres of land, and the Memphis & Little Rock and Little Rock & Fort Smith, 168 and 135 miles long, have received 1,058,560 acres. Arkansas, it will be seen, obtained one mile of railroad for each 3,900 acres of land granted.

The next land grant act was approved May 17, 1856 (Stat. at Large, vol. 11, page 15), giving to the States of Florida and Alabama six sections per mile to aid in constructing a road from Montgomery, Alabama, to Pensacola, Florida, from Jacksonville to Pensacola, and from Amelia Island to Tampa Bay, with a branch to Cedar Keys.

The State of Florida was entitled under this bill to 2,576,640 acres of land, if the roads were built, and has received 1,595,146 acres, having forfeited the remainder, 981,494 acres. Alabama never did anything to entitle itself to any of

this grant. Florida has 247 miles of land grant railways, being one for each seven thousand acres of land granted.

The next grant was June 3, 1856 (Stat. at Large, vol. 11, page 17), and was to the State of Alabama. This was six sections per mile. But those of the roads to which aid was granted were definitely located, and they were entitled to 1,142,784 acres, of which they received 771,930 acres, leaving 370,854 acres unearned and forfeited. Alabama has 228 miles of land grant railway, and that shows one mile for each 3,385 acres of land granted.

The same day, that is, June 3, 1856 (Stat. at Large, vol. 11, page 18), a grant was made to Louisiana, to aid in building a road from opposite Vicksburg, Mississippi, to Shreveport, a distance of 189 miles; from New Orleans by Opelousas to the State line of Texas; and from New Orleans to the State line in the direction of Jackson, Mississippi. 725,760 acres of land were set apart for the Vicksburg and Shreveport road, and 353,212 acres have been certified, leaving 372,548 unearned and forfeited. No lands were ever given for the road from New Orleans towards Jackson, Miss., though it was built within the time prescribed by the granting act. Louisiana has only 152 miles of land grant railway, being one mile for each 7,000 acres.

On the same day, was granted land to the State of Wisconsin (Stat. at Large, vol. 11, page 20) to aid in constructing roads from "Madison or Columbus via Portage City to St. Croix river, and thence to the west end of Lake Superior; and to Bay-field; and also from Fon du Lac, on Lake Winnebago, northerly to the State line." This act was amended several times, May 5, 1864 (Stat. at Large, vol. 13, page 66), June 21, 1866 (Stat. at Large, vol. 14, page 360), and March 3, 1875 (Stat. at Large, vol. 17, page 634). By these amendments the number of sections to the mile was increased to ten. The number of miles of road required to be built was 811; the number of miles actually built was 633. The number of acres estimated as granted was 4,514,052, and the number patented to the grantee was 2,262,608, while the amount actually earned before the time for the completion of the roads expired was 2,867,200 acres, leaving 605,000 acres due. If to this we add as due amounts earned by construction of roads since the expiration of the time for completion as per charter, an additional 1,184,000 acres is due Wisconsin. Wisconsin has received 3,413,650 acres of land, for which it has built 633 miles of road, that is, in round numbers, 5,400 acres for each mile of land grant railway.

Michigan also secured a land grant, on the 3d of June, to aid in constructing roads from "Little Bay De Noquette, to Marquette, and thence to Ontonagon, and from the last named places to the Wisconsin State line; and also from Amboy, by Hillsdale and Lansing, and from Grand Rapids to some point on or near Traverse Bay, also from Grand Haven and Pere Marquette to Flint, and thence to Port Huron" (Stat. at Large, vol. 11, page 21). This act was amended June 18, 1864 (Stat. at Large, vol. 13, pages 137 and 409); July 3, 1866 (Stat. at Large, vol. 14, page 78); March 2, 1867 (Stat. at Large, vol. 14, page 425); May 20, 1868 (Stat. at Large, vol. 15, page 252); March 3, 1871 (Stat. at Large, vol. 16, page 586); April 20, 1871 (Stat. at Large, vol. 17, page 643); March 3, 1879 (Stat. at Large, vol. 20, page 490).

By these amendments the time for completing the roads was extended, and the grant on one, from Marquette to Ontonagon, increased to ten sections per mile. The several lines aided were 563 miles long; the land granted, deducting conflicting claims, was 2,580,321 acres. Two hundred and fifty miles of these roads were built during the time required by law, and 213 miles have been completed since, and 1,415,447 acres of land have been certified to the grantees. Giving lands in



proportion for the number of miles built during and after the time allowed for completion, the State would be entitled to 840,000 acres additional. The land grant to Michigan was 2,580,020 ; the miles of land grant railway are 1,005, being one mile for every 2,567 acres granted.

August 11, 1856 (Stat. at Large, vol. 11, page 30), Mississippi was granted six sections per mile for three roads, no part of any of which were constructed within the ten years required by the granting act, and two of the grants were treated as forfeited after August 11, 1866. The General Land office having no hesitation in this case to require the full pound of flesh nominated in the bond. Though of late years it has been very careful of the rights of corporations, it had no hesitation in the case of a State. For the other road, completed after the time had expired, the State secured 198,027 acres, making, with the 737,130 acres for the Mobile and Ohio road, a total of 935,158 acres, for which the State has 406 miles of road to show, being one mile of road for each 2,300 acres of land.

Minnesota, on March 3, 1857 (Stat. at Large, vol. 11, page 195), received the next land grant, which act was amended at various times, as follows : July 12, '62, 12-624 ; March 3, '65, 13-526 ; July 13, '66, 14-97 ; March 3, '71, 16-588 ; March 3, '73, 17-631 ; June 22, '74, 18-203 ; March 3, '75, 18-511.

The original granting act in this case gave six sections, as in previous grants, but in 1865, after the commencement of the system by which private corporations were given ten and twenty sections per mile, the grants to Minnesota were increased to ten.

If there had been no conflict between any of the grants the State would have been entitled to 6,400,000 acres of land for these roads, and has secured for them 6,130,000 acres.

On May 5, '64 (Stat. at Large, vol. 13, page 64), and on July 4, '66 (vol. 14-87), Minnesota was given additional grants for other roads, for which it has secured 1,230,000 acres of land, a total to that State of 7,360,000 acres. For this land grant it has to show one thousand eight hundred miles of completed railway ; whilst for the lands given to private corporations it has only five hundred miles. The private corporations received twenty sections per mile, and the State got one mile of road for each 4,100 acres.

August 8, 1846 (Stat. at Large, vol. 9, page 77), a grant was made to the Territory of Iowa to improve the navigation of the Des Moines river. Nothing was ever done with it. On May 15, 1856, a grant of six sections per mile was made to Iowa to aid in building five roads. July 12, 1862 (vol. 12, 543), the grant of 1846 to the Territory was increased and regiven to the State, to aid in building a railroad. May 12, 1864 (vol. 13, page 42), grants were made for three other roads, giving ten sections per mile ; and June 2, 1864 (vol. 13, page 98), the grant to the other roads was increased and the time for completion extended.

Iowa has received under these grants 4,695,490 acres of land, and has to show for it 1,672 miles of railroad built on these lines (and branches built by them), increasing the mileage for this grant to 2,250, showing one mile of road to each 2,090 acres of land.

March 3, 1863 (Stat. at Large, vol. 12, 772), Kansas secured a grant for three roads. Ten sections to the mile was given. Grants for two other roads were made July 23, 1866 (vol. 14-210), and July 25, 1866 (vol. 14, 236). Under these grants the State received 4,153,470 acres of land and has for it 1,210 miles of road, being one mile of road for each 3,430 acres of land.

This closes the lists of the acts making grants to the States to aid in building railroads within the several States. No grant, until after 1862, was for more than



six sections or 3,840 acres per mile. The number of States to which lands were granted was twelve, and the amount of lands given was less than thirty-five millions. The following table will show the States, the amount of lands patented or certified to the States, number of miles built by land grant roads, and the number of miles of road built in these States, which includes land grant, and non-land grant roads. The table is as follows :

STATES.	Land patented or Certified to State.	Miles of Rail- way by Land Grant.	Number of acres certi- fied to each mile of Rail- way built.	Note.—These figures are in round numbers, fractions omitted.
Alabama.....	2,882,076	822	3,506	
Arkansas.....	2,376,891	620	3,833	
Florida.....	1,760,834	247	7,128	
Illinois.....	2,595,053	705	3,680	
Iowa.....	4,706,458	1,672	2,815	
Kansas.....	4,449,226	1,654	2,696	
Louisiana.....	1,072,406	152	7,055	
Michigan.....	3,229,010	1,005	3,210	
Minnesota.....	7,748,651	2,389	3,243	
Mississippi.....	935,158	406	2,303	
Missouri.....	1,395,429	703	1,842	
Wisconsin.....	2,807,583	553	5,077	
Totals.....	35,958,775	10,928		

Average number of acres of land per mile, 3,290.

It will be seen that the average number of acres of land for a State to get a mile of road built in less than thirty-three hundred acres. We now come to the first direct grant to a corporation, viz :

### Land Grants to Railroads.

From an exhaustive speech by Hon. Wm. S. Holman in the House of Representatives, March 11, 1884, we quote the following statistics :

TABLE No. 1.

*Grants of land made by the United States to aid in the construction of certain railroads.*

	NAMES OF RAILROADS FOR WHICH GRANTS WERE MADE.	Number of miles covered by grants.	Estimated number of acres granted.
1	Atchison, Topeka and Santa Fé.....	470	3,005,870
2	Kansas City, Lawrence and Southern Kansas.....	143	800,000
3	Burlington and Missouri River (in Nebraska).....	190	2,441,600
4	California and Oregon.....	291	3,724,800
5	Southern Pacific (Southern Division).....	934	.....
6	Burlington and Missouri River (in Iowa).....	279	948,643
7	Minnesota Central.....	110	} 3,462,403
8	Southern Minnesota.....	167	
9	McGregor and Missouri River.....	150	
10	Hastings and Dakota.....	75	

TABLE No. 1—*Continued.*

	NAMES OF RAILROADS FOR WHICH GRANTS WERE MADE.	Number of miles covered by grants.	Estimated number of acres granted.
11	Chicago and Northwestern .....	.....	.....
12	Cedar Rapids and Missouri River. ....	271	1,298,730
13	Winona and Saint Peter (Saint Peter to Watertown)..	323	1,852,989
14	Saint Paul and Sioux City.....	121	1,199,849
15	Sioux City and Saint Paul.....	122	551,148
16	West Wisconsin.....	177	999,983
17	North Wisconsin.....	42	1,408,452
18	Mississippi and Missouri River.....	317	1,261,181
19	Hannibal and Saint Joseph .....	206	781,944
20	Illinois Central.....	710	2,595,053
21	Dubuque and Sioux City.....	142	} 1,226,163
22	Iowa Falls and Sioux City.....	183	
23	Little Rock and Fort Smith.....	165	
24	Memphis and Little Rock.....	133	804,185
25	Cairo and Fulton .....	.....	.....
26	Southwest Branch of Pacific of Missouri.....	37	1,161,235
27	Saint Louis, Iron Mountain and Southern.....	514	4,106,647
28	Missouri, Kansas and Texas .....	183	1,520,000
29	Oregon and California.....	200	3,840,000
30	Oregon Central.....	47	100,000
31	Southwest Branch of Pacific of Missouri.....	37	} .....
32	Atlantic and Pacific.....	203	
33	Lake Superior and Mississippi River.....	156	
34	Stillwater and Saint Paul.....	13	} 920,000
35	Saint Paul and Pacific.....	387	
36	Southern Pacific (Northern Division).....	} 934	11,964,160
37	Southern Pacific (Southern Division).....		
38	North Louisiana and Texas.....	870	610,880
39	Denver Pacific.....	106	1,100,000
40	Saint Joseph and Denver City .....	227	1,700,000
41	Portage, Winnebago and Lake Superior .....	256	1,800,000
42	Florida Transit Railroad Company.....	155	1,171,200
43	Florida Central and Western Railway Company.....	155	1,405,440
44	Louisville and Nashville Railway Company.....	45	168,960
45	do do do .....	112	433,920
46	Mobile and Girard Railway Company.....	85	858,624
47	East Tennessee, Virginia and Georgia Railway Com- pany .....	156	641,285
48	Alabama and Great Southern Railway Company.....	270	944,640
49	Vicksburg and Meridian Railway Company.....	95	368,640
50	Mobile and Ohio Railway Company .....	472	1,286,784
51	Morgan's Louisiana and Texas Railroad and Steam- ship Company.....	83	967,840
52	Vicksburg, Shreveport and Pacific Railway Company	76	725,760
53	Saint Joseph and Western Railway Company.....	226	1,700,000
54	South and North Alabama Railroad Company.....	183	702,720
55	Chicago, Milwaukee and Saint Paul, La Crosse to Airlie.....	302	1,787,953
56	Flint and Pere Marquette Railway Company.....	168	586,828
57	Grand Rapids and Indiana Railway Company.....	333	921,280
58	Marquette, Houghton and Ontonagon Railway Com- pany.....	73	755,200
	Totals.....	13,071	85,073,773

TABLE No. 2.

*Grants of Land made by the United States to aid in the Construction of certain Railroads.*

	NAMES OF CORPORATIONS.	Number of miles covered by grants.	Estimated number of acres granted.
1	Kansas Pacific.....	638	6,000,000
2	Central Pacific.....	737	7,997,600
3	Western Pacific.....	123	1,100,000
4	Central Branch of the Union Pacific.....	133	804,185
5	Sioux City Pacific.....	101	41,398
6	Union Pacific.....	038	12,000,000
7	Northern Pacific.....	1,317	48,215,040
8	Texas Pacific.....	2,870	14,000,060
9	Atlantic and Pacific.....	1,755	49,244,803
	Total.....	7,712	139,403,026

#### The Union Pacific Charter.

On the first of July, 1862 (U. S. Stat. at Large, vol. 12, page 489), the Union Pacific R. R. Co. was incorporated. The charter was from the 100th degree of west longitude to the western boundary of Nevada. In the first section of the charter is the following clause :

*he Capital* stock of said company shall consist of one hundred thousand shares of one thousand dollars each, which shall be subscribed for and held in not more than two hundred shares by any one person."

Section 3 grants ten sections of land per mile ; all lands not sold or disposed of in three years after the completion of the road to be subject to entry and pre-emption at \$1 25 per acre, to be paid to the company.

Section 5 gives \$16,000 United States bonds per mile.

Section 9 charters the Leavenworth, Pawnee and Western (now Kansas Pacific) road, to commence at the junction of the Kansas river with the Missouri river, and unite with the main line at the 100th meridian and giving it the same subsidies. It also confers the same privileges upon the Central Pacific, a corporation chartered by the State of California.

Section 10 authorizes this company to continue eastward from the eastern boundary line of California until it meets the Union Pacific.

Section 11 trebles the amount of aid for the mountainous district.

The clause restricting any one owner to not more than two hundred shares was repealed in 1864. A first mortgage to the amount of the Government loan was sanctioned. The Sioux City and Burlington and Missouri river were chartered with the same privileges granted by the original and the amended charter. One of these roads is now part of the Union Pacific.

July 15, 1866 (vol. 14-94) the Placerville and Sacramento Valley road was chartered and given ten sections per mile. July 25 (vol. 14, 239) the California and Oregon and Oregon Central were chartered and given a subsidy. Both of these roads are now part of the Central Pacific.

July 27, 1866 (vol. 14, 292) a new and much broader charter was given to the Atlantic and Pacific, giving twenty sections in the States and forty in the Territories, with many privileges as to branches. By section 18 of the same act the

Southern Pacific was chartered with the same rights given to the Atlantic and Pacific.

March 2 (vol. 14, 548), the Stockton and Copperopolis road was started with a land grant. It is now a part of the Central Pacific.

July 3, 1869 (vol. 15, 324), the Denver Pacific was authorized to take part of the grant formerly given to the Leavenworth, Pawnee and Western.

May 4, 1870 (vol. 16, 94), the Oregon Central was chartered and given twenty sections of land to the mile. This land could not be sold at more than \$2.50 per acre, and only to actual settlers, in sums of not more than 160 acres. This road is now part of the Central Pacific.

March 3, 1871 (vol. 16, 573), the Texas Pacific was chartered and given forty sections per mile.

The next big corporation was the

#### Northern Pacific Railroad Company.

The Northern Pacific Railroad Company was chartered July 2, '64 (U. S. Stat. at Large, vol. 13, 365). It was to receive twenty sections of land per mile in Wisconsin and Minnesota, and double that amount in the Territories and Oregon. The road was to be completed July 4, 1876, twelve years from the date of the granting act. May 7, 1866 (U. S. Stat. at Large, vol. 14, 355), a joint resolution extended the time for commencing and completing the road *two years*. This made the date for its completion July 4, 1878. July 1, 1868 (U. S. Stat. at Large, vol. 15, 255), the time was extended for *commencing the road* two years, and it was required to be completed July 4, 1877.

The amount of this grant is 48,215,000 acres. Even under the decision of Secretary Schurz the road forfeited its legal rights by non-compliance with its contract, on July 4, 1879, at which time it had only 531 miles of its lines completed, and was entitled to 5,632,000 acres of land.

#### Atlantic and Pacific Railroad Company.

The Atlantic and Pacific, or thirty-fifth parallel route is next to be examined. The original charter and grant to this road was made July 27, 1866, and the bill, with the exception of the designated route, is a copy of the one making the grant to the Northern Pacific. Sections 8 and 9 in this act are precisely similar to the same sections in the Northern Pacific act, except that in the 8th section the time fixed for the completion of the road is set on *July fourth*, 1878, and the word "conditional" is used in the 9th section in place of the word "conditioned." The land grant is the same—forty sections in the Territories and twenty sections in the States, per mile—the whole grant amounting to forty million six hundred and ninety thousand five hundred acres, or sixty-three thousand five hundred and eighty square miles. Of this amount, thirteen millions one hundred and seventy thousand five hundred acres are situated in the Indian Territory, through which the main line and a branch from the Canadian river to the Arkansas State Line pass for a distance of six hundred and fifty miles.

#### Texas and Pacific Railroad Company.

The act can be found in the 16th vol. U. S. Statutes at Large, 573-579. Approved March 3, 1871. This was a grant of land in Arizona and New Mexico, of forty sections per mile, and a grant of twenty sections per mile in California. By section 22 of that act, a grant of twenty sections per mile was made to the New Orleans, Baton Rouge & Vicksburg R. R. Co., known as the "Backbone," so as to give connection to New Orleans, La. The time for the completion of the Back-



bone was five years, and expired March 3, 1876. The Texas Pacific proper had ten years, or till 1881, but by an amendment May 2, 1872, it was extended to May 2, 1882.

### Lands Earned and Lands Forfeited.

We have now given a history of how the grants were made, and will next show by a tabulated statement the number of miles of railroad built, the number of acres of land conditionally granted, the number of miles earned by completion of the roads within the time required by law, and the number of acres forfeited even under a liberal and equitable construction of the granting acts, and then will give such extracts from the granting acts as will place before the eye at once the whole legal question to be determined.

TABLE NO. 1.

NAME OF CORPORATION.	Land Patented.	Land Claimed.	Land Earned.	Land Forfeited.	Miles of Railway called for by charter.	Miles of Railway built within time required by charter.	Average price of land sold.
Union Pacific.....	1,859,475	7,190,525	.....	.....	1,042	1,042	\$4 14
Kansas Pacific.....	841,780	5,159,320	.....	.....	676	676	....
Central Branch Union Pacific.....	188,762	76,238	.....	.....	100	100	....
Denver Pacific.....	none	800,006	.....	.....	106	106	....
St. Louis City and Pacific.....	41,318	3,672	.....	.....	107	107	....
Burlington and Missouri River.....	2,374,090	67,000	.....	.....	190	190	....
Southern Pacific.....	1,037,910	4,223,090	.....	.....	1,150	1,150	4 30
Branch Line Southern Pacific.....	95,495	2,405,505	.....	.....	.....	.....	.....
Central Pacific.....	1,133,790	5,366,410	.....	.....	883	883	7 41
	7,572,620	25,291,660	.....	.....	4,254	4,254	....

TABLE NO. 2.

NAME OF CORPORATION.	Land Patented.	Land Claimed.	Land Earned.	Land Forfeited.	Miles of Railway called for by Charter.	Miles of Railway built within time required by Charter.	Average Price of Land Sold.
*Oregon Branch Central Pacific.....	2,123,314	7,000	1,064,000	1,062,526	283	152	\$7 41
Oregon and California.....	322,062	3,979,698	2,334,900	1,074,798	315	197	7 41
Oregon Central.....	none	1,130,880	380,000	750,880	144	47	7 41
Texas Pacific.....	none	14,309,760	none	14,309,760	678	none	....
†New Orleans Pacific.....	none	1,492,000	none	1,492,000	818	none	....
*Northern Pacific.....	749,525	47,476,115	10,726,400	37,490,240	2,270	131	5 00
Atlantic and Pacific.....	526,900	40,163,510	2,070,800	38,619,700	2,426	125	....
	3,723,891	107,949,963	16,546,100	91,799,504	6,489	1,032	....

\* Has 1,031,314 acres of land patented more than it is entitled to. † Has sold several million acres of land. ‡ Assignee of the New Orleans, Baton Rouge & Vicksburg R. R.

Table No. 1 shows the completed roads, that is, the roads that were built within the specified time designated by their charters.

Table No. 2 shows the roads that defaulted.

The Union Pacific controls the Kansas Pacific, Central Branch Union Pacific, Denver Pacific, and Sioux City & Pacific, which were land grant roads, besides several other branches which were not land grant roads.

It will be seen that these corporations have received 7,572,630 acres of land, and are claiming and are entitled to 25,291,660 acres, making a total of 32,864,280 acres. They have built 4,264 miles of railroad, so that for each mile of railroad built they have been given 7,780 acres of land; whilst the States only secured 3,290 acres for each mile built—just half the amount given to the corporations. To place it in another form, the States have been given 35,958,775 acres of land, and for this have built 10,928 miles of road; whilst these corporations have been given 32,864,280 acres of land, more than the States received, and for it they have returned us but little more than a third of the number of miles of railway.

### Moneys Given.

Besides this land these roads have received an immense subsidy in money from the Government, as is shown by the following statement from the official records:

To the Union Pacific and its branches, the Kansas Pacific, the Sioux City & Pacific, and the Central Branch Union Pacific, Government bonds were issued to the amount of \$33,767,832, and the Government has paid interest on this to the amount of \$31,895,228, of which sum the road has repaid by transporting mail-troops, etc., \$11,398,913, leaving due July 1, 1882, on interest paid, \$20,469,304.

To the Central Pacific (including the Western Pacific) there was loaned \$27,855,680 in bonds. The interest paid on these by the Government amounts to \$23,449,463; the corporation has repaid \$3,821,779, leaving interest due July 1, 1882, \$19,627,684.

To show this matter in detail, the following table from the report of the Secretary of the Treasury under date of Dec. 3, 1883, will be found valuable:

TABLE N.—*Statement of 30-year 6 per cent. bonds (interest payable January and July) issued to the several Pacific Railway Companies under the acts of July 1, 1862 (12 Statutes, 492), and July 2, 1864 (13 Statutes, 359).*

RAILWAY COMPANIES.	Amount of Bonds Outstanding.	Amount of Interest Accrued and paid to date as per preceding Statement.	Amount of Interest Due as per Register's Schedule.
On January 1, 1876:			
Central Pacific.....	\$25,885,120 00	\$13,027,697 67	\$776,553 60
Kansas Pacific.....	6,303,000 00	3,103,893 09	189,090 00
Union Pacific.....	27,236,512 00	11,884,324 65	817,095 36
Central Branch Union Pacific.....	1,600,000 00	781,808 26	48,000 00
Western Pacific.....	1,970,560 60	722,380 14	59,116 80
Sioux City and Pacific.....	1,628,320 00	682,703 89	48,849 60
	\$64,623,512 00	\$28,202,807 70	\$1,938,705 36

RAILWAY COMPANIES.	Total Interest paid by the United States.	Repayment of Interest by Transportation of Mails, Troops, etc.	Balance due the United States on inter- est Account, Deducting Repayments.
On January 1, 1876 :			
Central Pacific.....	\$11,804,251 27	\$1,191,765 86	\$10,612,485 41
Kansas Pacific.....	3,292,983 09	1,440,661 84	1,852,321 25
Union Pacific.....	12,701,420 01	3,943,715 65	8,757,704 36
Central Branch Union Pacific.....	829,808 26	44,408 05	785,400 21
Western Pacific.....	781,456 94	9,367 00	772,129 94
Sioux City and Pacific.....	731,553 49	39,005 96	692,547 53
	\$30,141,513 06	\$6,668,927 36	\$23,472,585 70

The above table shows the amount due January 1, 1876—from the six roads (really but two, the Union and Central Pacific having swallowed the others). This amount has steadily swelled as follows, there being due the Government

July 1, 1876.....	\$25,227,727 17
Jan. 1, 1877.....	27,014,416 32
July 1, 1877.....	27,443,139 25
Jan. 1, 1878.....	28,890,144 88
July 1, 1878.....	29,953,595 61
Jan. 1, 1879.....	31,202,642 51
July 1, 1879.....	31,116,907 19
Jan. 1, 1880.....	32,130,681 75
July 1, 1880.....	33,974,568 75
Jan. 1, 1881.....	35,476,119 18
July 1, 1881.....	37,041,145 67
Jan. 1, 1882.....	38,698,091 04
July 1, 1882.....	40,123,989 44
Jan. 1, 1883.....	41,159,527 51

and on July 1, 1883, the following table shows the amount due from these roads to be of \$42,444,713.26 :

RAILWAY COMPANIES.	Amounts of Bonds Outstand- ing.	Amount of In- terest Accrued and paid to date, as per preced- ing Statement.	Amount of In- terest Due as per Register's Schedule.
On July 1, 1883 :			
Central Pacific.....	\$25,885,120 00	\$22,676,001 67	\$776,553 60
Kansas Pacific.....	6,303,000 00	5,940,243 09	189,090 00
Union Pacific.....	27,226,512 00	24,140,755 05	817,495 36
Central Branch Union Pacific.....	1,600,000 00	1,501,808 26	48,000 00
Western Pacific.....	1,970,560 00	1,609,132 14	59,116 80
Sioux City and Pacific.....	1,623,320 00	1,415,447 89	48,849 60
	\$64,623,512 00	\$57,283,388 10	\$1,938,705 36

RAILWAY COMPANIES.	Total Interest paid by the United States.	Repayment of Interest by Transportation of Mails, Troops, etc.	Balance due the United States on Inter- est Account, Deducting Re- payments.
On July 1, 1883 :			
Central Pacific.....	\$23,452,555 27	\$4,592,158 25	\$18,860,397 02
Kansas Pacific.....	6,129,383 09	2,909,049 59	3,160,283 50
Union Pacific.....	24,957,850 41	8,933,292 87	16,024,557 54
Central Branch Union Pacific.....	1,549,808 26	152,157 10	1,397,651 16
Western Pacific.....	1,668,248 94	9,367 00	1,658,881 94
Sioux City and Pacific.....	1,464,297 49	121,355 39	1,342,942 10
	\$59,222,093 46	\$16,777,380 20	\$42,444,713 26

## State Grants and Grants to Corporations.

### Where Rests the Responsibility for these Grants ?

All of the grants of lands and moneys in these large quantities were made from the passage of the Union Pacific Charter, July 1, 1862, to the closing scene on the passage of the Texas Pacific bill, March 3, 1871, while the Republican party was in control of both houses of Congress and the Executive departments. Of the various grants made within that period, the bonds lent by the Government amount to \$64,623,512 to the following roads :

CENTRAL PACIFIC, KANSAS PACIFIC, UNION PACIFIC, CENTRAL BRANCH UNION PACIFIC, WESTERN PACIFIC, SIOUX CITY AND PACIFIC.

The lands given to the roads that were completed in time to earn their lands is shown by the following table, and it will be seen that the roads just mentioned receive land in addition to bonds.

NAME OF CORPORATION.	Land Patented.	Land Claimed.	Land Earned.	Land Forfeited.	Miles of Railway called for by charter.	Miles of Railway built within time required by char- ter.
Union Pacific .....	1,859,475	7,190,525	.....	.....	1,042	1,042
Kansas Pacific.....	841,780	5,159,220	.....	.....	676	676
Central Branch Union Pacific.....	188,762	76,238	.....	.....	100	100
Denver Pacific.....	none	800,000	.....	.....	166	103
Sioux City and Pacific.....	41,318	3,672	.....	.....	107	107
Burlington and Missouri River.....	2,374,090	67,000	.....	.....	190	190
Southern Pacific.....	1,037,910	4,223,090	.....	.....	1,150	1,150
Branch Line Southern Pacific.....	95,495	2,405,505	.....	.....	.....	.....
Central Pacific.....	1,133,790	5,366,410	.....	.....	883	883
	7,572,620	25,201,660	.....	.....	4,254	4,254

It will be observed that while these roads have earned 32,864,280 acres of land, they have taken patents for but 7,572,620 acres. Their reason for this course arises from the fact that until they take out patents the title is in the government, hence the roads escape taxation. The grants of lands to other roads will now be noticed, and the roads aggregate an immense area.



The acts making the grants can be found as follows : Northern Pacific railroad (Act July 2, 1864, U. S. statutes vol. 13, page 365, time for completion July 4, 1877, but extended to July 4, 1879). Acres of land, 46,947,200. California and Oregon Railroad Co. (Act July 25, 1866, 14th vol. U. S. statutes page 239), acres of land 3,686,400. Oregon and California Railroad Co. (Act July 25, 1866, vol. 14 U. S. statutes, page 239), acres of land 4,608,000.

Atlantic and Pacific Railroad Co. (Act July 27, 1866, U. S. statutes, vol. 14, page 292), time for completion July 4, 1878. Acres of land granted 40,690,560. Southern Pacific Railroad Co. (Act July 27, 1866, U. S. statutes, vol. 14, page 292), time for completion July 4, 1878. Acres of land granted 1,130,880.

Texas Pacific Railroad Co. (Act March 3, 1871, U. S. statutes, vol. 16, page 573), time for completion May 2, 1882. Acres of land 14,309,760.

New Orleans Pacific, assignee of the New Orleans, Baton Rouge and Vicksburg Railroad Co. (22d section, act March 3, 1871, vol. 16, page 573), time for completion March 3, 1876. Acres of land granted 4,070,400. (Note : this was the amount voted by the bill, viz. : 20 sections per mile for 318 miles. But it is estimated that there is not more than 1,492,000 acres of land available.) This closes the grants of money and lands. The lands to the completed roads are 32,864,280 acres. This amount is gone forever from the people. The lands granted to roads that did not comply amount to 111,673,854 acres or 174,490 square miles.

This is more land than is contained in the the States of New York, New Jersey, Pennsylvania, Ohio and Indiana. The acts making the grants of money and lands, are shown to have been passed between July 1, 1862, and March 3, 1871. The Republican party, the true party of monopoly, had control of both Houses of Congress by from a two-thirds ( $\frac{2}{3}$ ) to three-fourths ( $\frac{3}{4}$ ) majority. So that there is no possible chance for the responsibility to be shifted. But that party's responsibility does not stop here. The time fixed for the completion of the roads began to expire in 1876, and the last one expired May 2, 1882. If the executive offices had been filled by men who were honestly in favor of doing that which is only honest, they would have closed the doors of the department to roads, as their time for completion expired and exacted a strict compliance with the terms of the grant. We find that this subject has three distinct eras. The first era runs from July 1, 1862, to March 3, 1871, and this era is the granting era. The second era is from 1876 to 1882, the era in which those grants expired by limitation. The third era begins July 30, 1882, when the Hon. Thomas R. Cobb, of Indiana, introduced House Bill No. 3606, for the forfeiting of all unearned land grants (47th Cong., 1st session), and brings us down to the present time. The House of the Forty-seventh Congress was Republican, and the action of that body shows that the Republican party had not changed from the friends of monopoly to the friends of the people. Mr. Cobb's bill was referred to the Judiciary Committee, and the record shows that on May 16, 1882, Mr. Taylor from that committee made report No. 1266, confirming the title of settlers on disputed lands on what is known as the "Ontonagon Grant," and the bill calmly died on the calendar. On Monday, July 24, 1882, the minority of the Judiciary submitted their report, and with it a resolution to forfeit the Northern Pacific unearned land grant. They asked that the matter be placed on the calendar. Mr. Caswell, of Wisconsin (Rep.) objected, and the Speaker, J. Warren Keifer, sustained him. Mr. Cox, of New York (Dem.), appealed from the decision of the chair. Mr. Reed (Rep.), of Maine, moved to lay Cox's motion on the table. A newspaper dispatch of that date shows this up in a true light. In speaking of this report, it said :

"The majority of the committee (8) reported in the interest of the railroad

company that *no action was necessary*, and when the minority of the committee (7) submitted their report, and asked that the subject be placed on the calendar for discussion, Speaker Keifer ruled the motion out of order on the ground that the majority of the committee having reported that no action was necessary the question *could not be discussed* on the report of a minority. Mr. Cox, of New York, appealed from this remarkable decision of the chair, when Mr. Reed, of Maine, moved to lay the appeal on the table, which was carried by the following vote: Yeas, 97; nays, 70. Not voting, 123. *Mr. Caswell (Rep.), of Wisconsin, tried to prevent this vote from going on record."*

That action showed the animus of the Republican leaders. We now come to a report that is unique in its character. We allude to the action of the chairman of the Committee of Judiciary, Thos. B. Reed, of Maine, then as now one of the leaders of the Republican party. The Republican railroad members of that committee, rather than have the manner in which the Texas Pacific bill was BOUGHT through Congress in 1870 and 1871 exposed, voted almost unanimously to forfeit the grant on August 3, 1882. When the committee was called that day the record shows the following proceedings (Congressional Record, Aug. 3d, 1882):

#### Texas Pacific Railroad.

The Committee on the Judiciary being called :

MR. REED—I desire to present a report from the Committee on the Judiciary in regard to the Texas Pacific railroad. I have not the document with me at this moment ; it is being copied, and if the House has no objection I will file it as soon as it is ready.

THE SPEAKER *pro tempore* (Mr. Hubbell)—If there be no objection, the gentleman will be allowed to file the report when copied. The Chair hears no objection. What order does the gentleman ask ?

MR. KNOTT—On behalf of several members of the committee I desire to submit in connection with this report some individual views to be printed with it.

THE SPEAKER *pro tempore*—If there be no objection, the views of the minority will be presented, to be printed with the report of the Committee.

There was no objection.

MR. HOLMAN—Let the resolution accompanying the report be read.

THE SPEAKER *pro tempore*—The gentleman from Maine (Mr. Reed) states that the report is being copied and will be presented hereafter.

MR. HOLMAN—But the resolution, I presume, is here ?

MR. REED—The resolution also is being copied. It could not at any rate be read under the present order.

MR. HOLMAN—Then it cannot be received.

A MEMBER—Let it be printed.

MR. REED—Certainly ; it will be printed as a part of the report.

MR. RANDALL—My neighbor suggests to me to ask that the report be presented hereafter, and that the House give consent to the consideration of the resolution.

MR. REED—That cannot be done under this rule. This is a presentation of the report in ordinary form under the rule. All I ask is that I may make manual transmission of the report hereafter.

MR. RANDALL—I suggest that the gentleman be allowed to call it up for consideration to-morrow.

MR. REED—That cannot be done. That is not proper, because the report has not been printed.

The SPEAKER *pro tempore*—The Chair cannot entertain that request during this hour.

Mr. RANDALL—Unanimous consent can be asked.

Mr. REED—Unanimous consent has never been asked in this hour.

Mr. ELLIS—I object, until I know what it is.

Mr. RANDALL—It is the forfeiture of 14,000,000 acres of land, granted to the Texas Pacific Railroad. *quasi* Pennsylvania corporation.

Mr. HOLMAN—Nearly 18,000,000.

Mr. TOWNSEND, of Illinois—What has become of the resolution reported by the gentleman from Maine?

The SPEAKER *pro tempore*—The gentleman informed the Chair that the report and resolution were being copied, and asked unanimous consent to file the same as soon as copied.

Mr. TOWNSEND, of Illinois—And that the resolution go on the calendar?

The SPEAKER *pro tempore*—That was the understanding.

Mr. REED—That will be done under the rule. I have stated that I merely wish to make manual transmission of this report hereafter instead of now.

Mr. TOWNSEND, of Illinois—That is right, of course. I only wished to understand the status of the resolution. I understand it will go to the calendar.

The SPEAKER *pro tempore*—The resolution will take the same course as though it were presented now.

Mr. COX, of New York—When will it come up for consideration? We want to consider it.

The SPEAKER *pro tempore*—The report will come up in its order.

Mr. TOWNSEND, of Illinois—It can be called up at any time by unanimous consent.

Mr. COX, of New York—We ask unanimous consent to take it up to-morrow.

Mr. REED—The gentleman from Louisiana [Mr. Ellis] has objected.

This took place August 3d, and yet when Congress adjourned on August 8th a printed copy of neither the resolution nor report could be found; nay, more, there never was a printed copy found in the document room of the House, until after James A. George, on the night of September 6, made a speech in Congress Hall, Portland, Maine, the home of Mr. Reed, and charged publicly that Mr. Reed had pocketed the report. Yet in the face of this, we find that on January 31, 1884, when the bill was up in the House to forfeit the Texas Pacific land grant, Mr. Reed had the assurance to ask to have printed in the *Record* the report which the Judiciary Committee agreed to August 3, 1882, but not submitted for some time afterward. In the record of January 31, 1884, page 844, the following, on motion of Mr. Reed, was printed:

“Mr. Reed (August 3, 1882), from the Judiciary, submitted the following report:”

Any one not knowing the true facts of the case, might think Reed submitted a report August 3, 1882, but the record of that day's proceedings shows this to be false, and Mr. Reed cannot escape in this manner. It is hardly necessary to state that the lobby were here in full force and hovered around the committee like buzzards around a carcass. That they were successful is hardly necessary to state, for the records of the Forty-seventh Congress show that no effort was ever made to take up a bill inimical to the railroads, while two huge efforts were made to pass a bill, under cover of which Huntington, Stanford, Crocker & Co. could and would have stolen fourteen millions of acres of land. We allude to the effort to pass a bill to allow a consolidation of the Southern Pacific system from San Francisco via El Paso and San Antonio, Texas, to New Orleans, La. The bill alluded to is



House Bill 5219, which was the substitute reported from Pacific Railroads committee for House Bill 2534, and the reports accompanying are Nos. 755 and 1168, and was put on House calendar May 3, 1882. House Report 1168 is notable from the fact that it takes the ground that monopolies do not work in the interests of monopoly but of the people.

We now come to the interregnum between the outgoing of the Republican House and the incoming of the Democratic House. The fight is now to be transferred to the Interior Department and due credit must be given to the men who threw themselves into the breach to save the people's lands. During the whole vacation of Congress, the Hons. W. S. Rosecrans, of California, and Poindexter Dunn, of Arkansas, were in Washington, and never failed to interpose an objection at the Interior Department, whenever the railroads attempted to take an advantage. Learning on June 5, 1883, that the Texas and Pacific were attempting, by a pretended deed of transfer, to get 14,309,760 acres of land, they, in connection with Hon. T. R. Cobb, who was in the city that day, filed the following protest:

WASHINGTON, D. C., June 5, 1883.

HON. H. M. TELLER, *Secretary of the Interior*.

SIR: We are informed that the Southern Pacific Railroad Companies of Arizona and New Mexico, claiming as assignees of the Texas Pacific Railroad Company, have filed, or contemplate filing at an early day, an application for the lands granted to the Texas Pacific Railroad Company by the act of March 3, 1871 (U. S. Stat. at large, Vol. 16, page 573), as amended by the act of May 2, 1872 (U. S. Stat. at large, Vol. 17, page 59).

As you are probably aware, the Judiciary Committee of the House of Representatives of the 47th Congress, on the 3d of August, 1882, with but one dissenting vote, declared these lands forfeited. But for the fact that almost the entire time of the succeeding session was taken up in the discussion of revenue measures, there is little doubt that this resolution would have passed.

Again we would call to your attention that an effort was made to consolidate these roads in the last session of Congress, bills for that purpose being introduced in both houses, so that a shadow of title might be acquired by the Southern Pacific Companies. The bill was never called up in the Senate and was twice defeated in the House, first on the 11th of January, and again on the 2d of March of this year, by a most decided vote.

In consideration of these facts, and of the probabilities that immediately upon the issuance of certificates for said land, the same will be mortgaged for the issuance of land bonds, that innocent purchasers may be brought in, we protest against any action on your part looking to the issuance of certificates to said Southern Pacific Companies, or to any other company claiming under the acts previously alluded to. We also desire that a certified copy of all papers now in your office, or that may be filed by any company or persons, in relation to the said lands, be furnished us.

(Signed)

W. S. ROSECRANS, Cal.

T. R. COBB, Ind.

POINDEXTER DUNN, Ark.

This action on their part stopped all proceedings, and when Congress met the House, by a vote of 260 ayes to 1 nay, passed a bill to forfeit this grant. On the same day these same gentlemen filed a similar protest on the "Blackbone" grant.

We now come to the meeting of the 48th Congress (House Democratic), and we will see what they have done. The committees were not announced till just before the holidays. Yet we find a record of the following prompt action on the part of the Public Lands committees. On January 31, 1884, Mr. Cobb, as chairman of the



Public Lands, asked the House to take up and pass House bill 3520, declaring forfeited certain lands granted to States in aid of railroads. The bill passed by a *vote* vote, and thus between five and six million acres of land, so far as the House of the 48th Congress was concerned, were saved. But this day was to witness a still greater triumph. The next bill taken up was House bill 3933, to declare a forfeiture of lands granted to the Texas Pacific Railroad. The House, by a vote of 260 ayes to 1 nay, passed this bill, and 14,309,760 acres of land more was saved, so far as the House of the 48th Congress could save.

*Estimated Disposition of the Public Domain to June 30, 1880, June 30, 1882, and June 30, 1883.*

The amount disposed of up to June 30, 1883, is about 620,000,000 acres.

	ESTIMATED DISPOSITION UNDER VARIOUS LAWS TO—		
	JUNE 30, 1880.	JUNE 30, 1882.	JUNE 30, 1883.
	Acres. 547,754,483	Acres. 572,957,047	Acres. 591,987,814
Cash sales, which include pre-emption, etc., and probably 30,000,000 or more acres accounted for under other acts and commutation of homesteads, from the establishment of land system to June 30, 1880 .....	169,832,564	173,000,000	175,000,000
Donation acts—Florida, Oregon, Washington, and New Mexico.....	3,084,797	3,117,401	3,121,534
Land Bounties—Military and Naval service.....	61,028,430	61,028,430	61,064,150
State selections (Act 1841) for internal improvement.....	7,806,554	7,806,554	7,806,554
Salines (salt springs) granted to States...	559,965	559,965	559,965
Town sites and county seats.....	148,916	162,794	167,871
Railroad land grants patented.....	45,650,026	46,526,823	47,004,043
Canal grants.....	4,424,073	4,424,073	4,424,073
Military wagon-road grants.....	1,301,040	1,301,040	1,741,897
Mineral lands sold since 1866.....	148,621	194,970	224,483
Homesteads, 3,000,000 (estimated) acres of which have been commuted and carried into cash sales .....	55,667,044	67,043,189	75,215,164
Scripts enumerated.....	2,778,622	2,893,034	2,949,113
Coal lands.....	10,750	24,560	40,172
Stone and timber acts of 1878.....	20,782	159,008	456,743
Swamp and overflowed lands selected and patented to States.....	69,206,522	70,006,769	70,445,957
Graduation act of 1854.....	25,696,419	25,696,419	25,696,419
Schools, Seminaries and Agricultural Colleges:			
16" and 36" sections for schools.....	67,893,919		
Seminaries and universities.....	1,165,520		
Agricultural colleges—Land in place.....	1,770,000		
Agricultural colleges—Land scrip.....	7,830,000		
	78,659,439	78,659,439	78,889,839
Area held under timber-culture act.....	9,346,660	13,657,146	16,768,076
Desert land act.....	897,160	1,170,675	1,607,310

## The Action of the Forty-eighth Congress.

The House of Representatives of the Forty-eighth Congress recognizing the importance of declaring forfeited unearned land grants, went promptly to work under the able and vigilant lead of Hon. T. R. Cobb, of Indiana, chairman of the Committee on Public Lands.

January 21, 1884, Mr. Holman submitted the following resolution, which was agreed to :

*Resolved*, That in the judgment of this House all the public lands heretofore granted to States and corporations to aid in the construction of railroads, so far as the same are now subject to forfeiture by reason of the non-fulfillment of the conditions on which the grants were made, ought to be declared forfeited to the United States and restored to the public domain.

*Resolved*, That it is of the highest public interest that the laws touching the public lands should be so framed and administered as to ultimately secure freehold therein to the greatest number of citizens ; and to that end all laws facilitating speculation in the public lands or authorizing or permitting the entry or purchase thereof in large bodies ought to be repealed, and all of the public lands adapted to agriculture (subject to bounty grants and those in aid of education) ought to be reserved for the benefit of actual and *bona fide* settlers, and disposed of under the provisions of the homestead laws only.

*Resolved*, That the Committee on the Public Lands is hereby instructed to report to the House bills to carry into effect the views expressed in the foregoing resolutions ; that said committee shall be authorized to report such bills at any time, subject only to revenue and appropriation bills ; and the same shall in like order be entitled to consideration.

## History of the Land Grant Bills.

H. R. 3,520. Declaring forfeited certain grants of lands made to certain States to aid in the construction of railroads.

In the House, passed January 31, 1884, without a record vote.

In the Senate, received February 4, reported from Committee on Public Lands, amendment, June 30. No vote taken.

Mr. Cobb stated the purpose of the bill in the following words ;

MR. COBB.—As I was about saying, Mr. Speaker, none of these roads have been completed, none of them begun. Their grants simply stand in their name without any work whatever having been done upon the roads which these grants contemplated. I do not deem it necessary, therefore, to take up the time of the House in discussing in detail any of these grants. It is a mere question of policy now whether the grants shall be forfeited in view of the failure of the companies to construct the roads or not.

Under a decision of the Supreme Court in a similar case, although all of these grants contained the condition that in case the railroads are not completed in ten years from the date of the grant that at the end of that period the lands shall revert to the Government of the United States, under the decision of the Supreme Court of the United States in the case of *Shulenburg vs. Herriman* it has been held that these were grants *in presenti* and carry the legal title to the States to which they are made or to the railroad companies. That being so, the committee deemed it right and proper that there should be a declaration upon the part of the legislative department of the Government creating these grants declaring a forfeiture and restoring the lands to the public domain, reserving, as you will perceive by the bill, the rights of settlers, homesteaders, etc., made in good faith. None of these lands in any of these grants have been sold. In the case of the State of Alabama I believe one of these grants was not accepted at all. As to the other grants, no corporations were organized for the purpose of accepting them. This is about the substance of the facts in the case, and, as I have said, it seems scarcely necessary to detain the House longer. The expression of the House and the feeling, I take it, is such that if this was an original proposition to grant these lands to these States for the benefit of railroad corporations in constructing their roads, they would not be granted at all.

The only question is whether we will allow these grants to remain that were made twenty-seven years ago, seventeen years having expired since the expiration of the time then the grant contemplated the completion of the various lines of road. I do not believe the House will entertain for a moment the idea of continuing these grants longer.

H. R. 3933. To declare forfeited lands granted to the Texas and Pacific R. R. Co.

Passed House January 31, 1884.

Yeas, 260; nay, 1.

In the Senate, Feb. 4, received and referred to the Committee on Public Lands. March 7, reported with no amendment. No vote taken.

The report is here given in full :

*The Committee on Public Lands, to whom was referred certain bills relating to the grant of lands in aid of the Texas and Pacific Railway Company, having had the same under consideration, make the following report :*

Your committee have given this case careful attention and earnest consideration, not only on account of the magnitude of the interests involved, but because this was the first grant considered by the committee where serious opposition was made to the proposal to declare forfeiture of the grant for breach of the condition on which it was made, in which several legal questions were presented at the outset and earnestly argued by eminent counsel, questions which are common to all the cases of lapsed grants pending before the committee, first among them being the question of the power of Congress to interfere in any event ; so your committee have carefully examined the whole matter before recommending what they do, viz., that the accompanying bill be passed, declaring the grant forfeited for breach of the condition on which it was made, restoring the lands to the public domain for sale and settlement under existing law, and protecting the rights of settlers and claimants under the Government. We find the facts deemed essential to be as follows :

The Texas Pacific Railroad Company was incorporated by act of Congress approved March 3, 1871 (16 Statutes at Large, page 573). By section 1 of that act the route was defined and described as follows :

"From a point at or near Marshall, county of Harrison, State of Texas ; thence by the most direct and eligible route, to be determined by said company, near the thirty-second parallel of north latitude, to a point at or near El Paso ; thence by the most direct and eligible route, to be selected by said company, through New Mexico and Arizona, to a point on the Rio Colorado at or near the southeastern boundary of the State of California ; thence by the most direct and eligible route to San Diego, Cal., to Ship's Channel, in the bay of San Diego, in the State of California, pursuing in the location thereof, as near as may be, the thirty-second parallel of north latitude."

Section 23 provides :

"That for the purpose of connecting the Texas Pacific Railroad with the city of San Francisco, the Southern Pacific Railroad Company of California is hereby authorized (subject to the laws of California) to construct a line of railroad from a point at or near Tehachapa Pass, by way of Los Angeles, to the Texas Pacific Railroad at or near the Colorado river, with the same rights, grants, and privileges, and subject to the same limitations, restrictions, and conditions as were granted to said Southern Pacific Railroad Company of California by the act of July 27, 1866."

Section 9 provides for a land grant which, as described by the Secretary of the Interior, Ex. Doc. 144, Forty-seventh Congress, first session, is—

"A grant of every alternate section of public land, not mineral, designated by odd numbers, to the amount of twenty alternate sections per mile on each side of the line as adopted by the company through the Territories of the United States, and ten alternate sections per mile on each side of the line in California. Exception is made of lands sold, reserved, or otherwise disposed of, and lands to which a pre-emption or homestead claim may have attached at the time the line of the road is definitely fixed."

"Indemnity is provided for lands thus lost to the grant out of alternate odd-numbered sections not more than ten miles from the limits of the sections granted. Provision is also made for indemnity for lands lost by reason of the near approach of the line of the road to the boundary of Mexico, and also for mineral lands excluded from the grant out of odd-numbered sections nearest the line of the road."

Section 17 of the act required the company to commence the construction of the road simultaneously at San Diego, Cal., and at a point at or near Marshall, Tex., and prosecute the work so that the entire road should be constructed within ten years after the passage of the act.

By the act of May 2, 1872, however, the time for the construction and completion of the road was extended to May 2, 1882, and the title of the company changed to the Texas and Pacific Railway Company.

Section 4 of the act is as follows :

"That the said Texas Pacific Railroad Company shall have power and lawful authority to purchase the stock, land grants, franchises, and appurtenances of, and consolidate on such terms as may be agreed upon between the parties with, any railroad company or companies heretofore chartered by Congressional, State, or Territorial authority *on the route prescribed in the first section in this act, but no such consolidation shall be with any competing line of railroads to the Pacific Ocean.*"

Section 5 reads :

"That the said company shall have power and authority to make running arrangements with any railroad company or companies heretofore chartered or that may be hereafter chartered by Congressional, State, or Territorial authority ; also to purchase lands, or to accept donations or grants of lands or other property from States or individuals, *for the purpose of aiding in carrying out the objects of this company.*"

Section 6 reads :

"That the rights, lands, land grants, franchises, privileges, and appurtenances, and property of every description belonging to each of the purchased or consolidated railroad company or companies, as herein provided, *shall vest in and become absolutely the property of the Texas Pacific Railroad Company: Provided,* That in all contracts made and entered into by said company with any and all other railroad company or companies, to perfect such aforesaid consolidation or purchase, the indebtedness or other legal obligations of said company or companies shall be assumed by the said Texas Pacific Railroad Company, as may be agreed upon, and no such consolidation or purchase shall impair any lien which may exist on any of the railroads so consolidated or purchased ; but said company shall not assume the debts or obligations of any company with which it may consolidate or purchase as aforesaid to an amount greater than the cash value of the assets received from the same."

Section 15 provides :

"That all railroads constructed, or that may be hereafter constructed, to intersect said Texas Pacific Railroad shall have the right to connect with that line ;" that no discriminations shall be made, etc.

Section 18 provides for the appointment of a commission to examine the road as constructed, and for a report to the President for approval, preliminary to the issue of patents for the land.

Section 23 reads :

"That for the purpose of connecting the Texas Pacific Railroad with the City of San Francisco, the Southern Pacific Railroad Company of California is hereby authorized (subject to the laws of California) to construct a line of railroad from a point at or near Tehat hapa Pass, by way of Los Angeles, to the Texas Pacific Railroad, at or near the Colorado River, with the same rights, grants, and privileges, and subject to the same limitations, restrictions, and conditions as were granted to the said Southern Pacific Railroad Company of California by the act of July 27, 1866: *Provided, however,* That this section shall in no way affect or impair the rights, present or prospective, of the Atlantic and Pacific Railroad Company, or any other railroad."

Pending the construction of the railroad of the Texas Pacific Railroad, the Southern Pacific Railroad Company of Arizona, and the Southern Pacific Railroad Company of New Mexico were chartered by the legislatures of those Territories respectively, the objects of these corporations being to construct a line of railroad from a point (Yuma) on the Colorado River (which was the proposed point of junction of the Southern Pacific Railroad of California with the Texas Pacific Railroad) eastwardly to Texas, and practically along the line of the thirty-second parallel of north latitude, substantially identical with the route proposed by the Texas Pacific from El Paso (on the line between Texas and New Mexico) westwardly to Yuma.

These two corporations last named, it should perhaps be stated, are practically identical with the Southern Pacific of California, all three forming, in fact, one corporation—the Southern Pacific Railroad Company. This is believed to be all the legislation necessary to be noticed in connection with the question in hand.

Work was begun by the Texas Pacific company at Marshall, in Texas, and by the Southern Pacific company in California, the latter progressing toward the point of junction as proposed, Yuma, and the former westwardly toward El Paso, on its line by that point toward Yuma. It is enough to say that when the Southern Pacific reached Yuma, about April, 1877, the Texas Pacific had its line in Texas only completed to Fort Worth, distant some 1,200 miles from Yuma.

The delay in its construction seems to have been caused by the great depression in monetary matters following the panic of 1873, and the inability of the managers of the enterprise (headed then by Mr. Thomas Scott) to sell the bonds of the company to realize funds for the prosecution of the work.



Mr. Scott then came to Congress for relief, asking in substance that the Government guarantee the interest on a large amount of bonds which he proposed to issue, and asserting that it would be impossible for his company to complete the work on which it had entered and give the country a through line of *competing* road to the Pacific coast, as was contemplated by the act of 1871, unless this additional aid (which he claimed was really only a loan of credit) was given.

Then began the struggle between these two corporations, which continued until November, 1881, until it was ended by a contract between the Southern Pacific Company and the Texas and Pacific Company, then represented by Mr. Jay Gould, who had succeeded Mr. Scott as the head of the last-named corporation.

For reasons which will be apparent later in this report, your committee deem it very essential to keep in mind the relations which these companies sustained toward each other during the period construction was progressing of the road of each, and to remember that the clearly expressed intention on the part of Congress in the act making this grant was to provide for a competing through line of railroad from the Mississippi to the Pacific Ocean, and that San Diego was to be the western terminus. At that time the position of the only through transcontinental line of transportation owned by the Central Pacific and the Union Pacific companies was well understood by the people and their representatives in Congress.

The Congress had in the charters to these two corporations given them bounties to aid in the construction of their roads most prodigal in their extravagance, but the enterprise of building a transcontinental line of railroad was believed to be necessary for a proper defense of the country in time of war, as well as for the proper transaction of business between the East and West.

The events are too recent to need recital here of the monumental fraud, treachery, and depredation committed by these corporations upon the public.

The managers of these two corporations procured in 1864 the passage of an act sacrificing every interest of the people that was protected by the acts incorporating them.

The second mortgages of the companies, aggregating over sixty-four millions of dollars, were made a prior lien over the lien of the Government for its claim of about the same amount, and the *first* lien of the Government made *second*. Indeed, as was said in debate on the bill, nothing that the ingenuity of man could invent for their benefit was withheld.

Consolidation from ocean to ocean was expressly permitted, and the result was what we have all witnessed, and as a people we have experienced.

As soon as the civil war closed the old project of a Southern transcontinental route was revived, and it was favored by many of the statesmen of that period on the ground that it would aid the South in recuperating, and it was only just, as the North had had the benefit of the immense grants and enormous aids given to the other companies; and above all it was plausibly and properly argued that the construction of a rival competing through line along the 32d parallel to San Diego would remedy the monopolistic evils so apparent as to freight and passenger tariffs over the Central and Union Pacific roads.

The new route was called the "open highway," and, under the leadership and management of General Frémont, the new enterprise, known as the Memphis and El Paso, was put on its feet.

It received immense grants of land in Texas from the legislature (the United States having no public lands in that state); was encouraged by Congress, and was prospering well, until, in the attempt to secure the investment of foreign capital in the enterprise, General Frémont was arrested on a charge of fraud in Paris.

This brought the scheme to an end apparently, until Mr. Scott, of the Pennsylvania Railroad, was induced to interest himself in the plan. To give the enterprise the appearance of a new project, and divested of the odium attaching to the ignominious failure of the old one, the name of Memphis and El Paso was abandoned and that of the Texas and Pacific adopted. All the land grants made by Texas to the Memphis and El Paso were transferred to the Texas Pacific; the citizens of San Diego made large valuable donations of lands and property to the new company for terminal facilities, and the assistance of Congress secured by the passage of the act of 1871 making this grant, to aid the "open highway"; to secure a "through competing line" to San Diego, and to prevent, as far as it seemed possible to do so, any arrangement or contract of purchase or sale or consolidation with any competing line of railroads to the Pacific Ocean (sections 4 and 5).

So these two ideas are clearly apparent: that Congress intended to authorize this special enterprise to act in the construction of its proposed road to San Diego, which road was to be a competitive line with the Central and Union to the Pacific Ocean, and carefully guarded against the loss of the identity of the corporation it was creating by provid-

ing that all purchases, consolidation, property rights acquired, etc., should be the property of the Texas Pacific Company (section 6).

This was the condition of affairs when Mr. Scott became interested in the enterprise, and so continued until the panic of 1873, when active work in Texas was suspended for lack of necessary means.

We all remember that for a time investors could not be induced to embark in the most promising of schemes of railroad building after the great disaster to the Northern Pacific.

So Mr. Scott came to Congress and urged, as an act of justice to a great enterprise, in the interest of a healthy competition, a guarantee of the interest only on the bonds of his company.

This appeal of Mr. Scott to the Forty-fifth Congress met with sturdy, strenuous opposition by the Southern Pacific Railroad Company.

That corporation, seeing the importance of the vast and increasing transcontinental traffic, and desirous of controlling it itself, commenced operations for securing it by, first, defeating the agent created by Congress to build the road, foreseeing that the difficulties under which the Texas Pacific was laboring were insurmountable unless the helping hand of Congress could be extended to it; second, by procuring the necessary authority to build east of Yuma, and then constructing its own road to the Mississippi Valley and the Gulf coast in Texas.

It should be borne in mind that up to this time the Southern Pacific had no rights east of Yuma, on the west bank of the Colorado River, in California. The only authority it had from Congress was in the last section of the act of 1871, to build a line of road from just above Los Angeles, Cal., to the Texas Pacific Railroad, at or near the Colorado River; and, indeed, that is *all* the recognition Congress has ever given it. At Yuma the power of the Southern Pacific Company ceased, so far as Congress was concerned.

How the Southern Pacific labored to defeat the Texas Pacific from securing the aid desired is best shown by a few extracts from letters written by Mr. Huntington, the principal manager of the Central Pacific, to Mr. Colton, the *ostensible* head of the Southern Pacific, which letters have become public in a litigation in California for a division of the vast profits arising from the consummation of this scheme. The authenticity of these letters has never been denied, and what they tend to or do prove will be noticed hereafter.

Just now the disclosures made by these letters are exceedingly opportune, and we insert a few of over three hundred of the same general character and tone.

These are the specimen letters:

(No. 1.)

NEW YORK, November 17, 1874.

FRIEND COLTON: Yours of the 7th and 9th instant are received. I notice that you are yet on Luttrell's trail. I hope you will get some one to convince him that we are good fellows, and that should not be a hard thing to do, for I have no doubt of it myself. I notice what you say about getting control of the A. and P. franchise by getting a majority of the stock. My opinion is that a majority of that stock is in the hands of those that control the A. and P. and Texas P. You no doubt are aware that they went in with the Texas P. some two years ago, and that the two companies agreed to run the A. and P. down to meet the Texas P. somewhere in Texas, and then run one line through to the Pacific; but will find out all I can and let you know.

Yours, truly,

C. P. HUNTINGTON.

(No. 2.)

NEW YORK, November 28, 1874.

FRIEND COLTON: Yours of November 27 is received with inclosures. It certainly was a shabby thing in Vining to write such a letter. Towne wrote me and sent me a copy of the letter. I saw Dillon and he seemed very much offended at V. for writing it, and said nothing of the kind should happen again. I think I shall show your letter to Gould, but they are not our kind of people. I have sent out some copies of Tom Scott's bill as amended by me. Read it carefully and let me know what you think of it. Of course the San Diego people may not like it unless you agree to build a road from their place out to connect with our road, and you may think best to do that. *It certainly is very important to S. F. that we build the S. P. into Arizona, and it would be well for you at once to write some letters for the influential men of S. F. to sign, to send to all our M. C. and Senators, to go for the bill as we want it; and if you do not think it right as it is, fix it and send it back, but if we could get as it is I would be satisfied.* Storrs says it will make Scott very mad, and he thought it best not to send it,

and may be he is right ; but if Scott kicks at it, I propose to say to Congress " we will build east of the Colorado to meet the Texas P. without aid, and then see how many members will dare give him aid to do what we offered to do without. My only fear then would be the cry that the C. P. and the S. P. was all one and would be a vast monopoly, &c., and that is what we must guard against, and that is one reason why you should be in Washington. I send copy of my letter to Scott on sending the bill ; he sent it for me to fix to suit me. The U. P. people are not yet ready to order steamers.

Yours, truly,

C. P. HUNTINGTON.

(No. 3.)

NEW YORK, November 20, 1874.

FRIEND COLTON: Herewith I send copy of bill that Tom Scott proposes to put through Congress this-winter. Now I wish you would at once get as many of the associates together as you can, and let me then know what you want. Scott sent me three copies fixed as he wants them, and asked me to help him pass them through Congress, and if I would not do it as he has fixed it, then he asked me to fix it so that I will, or in a way that I will support it. Now do attend to this at once, and in the meantime I will fix it here and see how near we are together when yours gets here. Scott is prepared to pay, or promises to pay, a large amount of money to pass his bill, but I do not think he can pass it, although I think this coming session of Congress will be composed of the hungriest set of men that ever got together, and that the d — only knows what they will do. But as Scott's bill proposes to give up the A. and P. land grant (the west end of it), I am not sure that it would not be as well to let the bill stand in that way, we stopping the Texas Pacific at the Colorado river. If we ask to come this side of the Colorado it will be hard to stop the Texas P. from going west of it. I think the Texas P. or some of their friends will be likely to take the ground that the S. P. is controlled by the same parties that control the Central, and that there must be two separate corporations that run roads into San Francisco, and it will be very hard for us to make head against that argument, and I am disposed to think that Colton had better come over and spend a few weeks at least in Washington. Would it not be well for you to send some party down to Arizona to get a bill passed in the Territorial legislature granting the right to build a railroad east from the Colorado river (leaving the river near Fort Mohave), have the franchise free from taxation or its property, and so that the rates of fare and freights cannot be interfered with until the dividends on the common stock shall exceed 10 per cent. ? I think that would be about as good as a land grant. It would not do to have it known that we had any interest in it, for the reason that it would cost us much more money to get such a bill through if it was known that it was for us ; and then Scott would fight it if he thought we had anything to do with it. If such a bill was passed I think there could at least be got from Congress a wide strip for right of way, machine shops, &c.

Yours, truly,

C. P. HUNTINGTON.

(No. 4.)

NEW YORK, December 10, 1874.

FRIEND COLTON: Your two letters of November 29th are received. The Texas Pacific bill, as amended by me, is on the way to California. As it is somewhat different in theory from your views, as set forth in your letter, I will not reply to you in detail before you receive the bill. I agree with you that there will no bill pass this session granting such aid as is asked for. I think we must add section to the bill as sent out that will allow, or may be compel us, to build a road to connect San Diego with our line. On account of this legislation I think it important that the S. P. should be disconnected from the Central as much as it well can be. And, as you say, I think it should have a superintendent that does not connect with the C. P., although I think it would be difficult to get another man as good as Towne. I agree with you fully when you say our telegraph superintendent is no good. I sent you on the 8th copy of my letter to Scott. I have just received his reply. I will have copy of it made and sent to you, also my reply before this goes, and will send them with this. This S. P. is an important matter, and should be attended to at once. I am glad you are coming over.

Yours, truly,

C. P. HUNTINGTON.

(No. 5.)

DECEMBER 8, 1874.

DEAR SIR :—Herewith I hand you two copies of the proposed bill for your road, with such alterations as I want embodied therein. As it is a hard time for building rail-roads just now, and as we are all interested in the construction of this road, I trust that these alterations will meet your approval, and that such arrangements will be made as will secure the early completion of the road.

Truly yours,

C. P. HUNTINGTON.  
*President.*

Hon. THOMAS A. SCOTT,  
*President Texas and Pacific Railway Company, Philadelphia, Pa.*

(No. 6.)

TEXAS AND PACIFIC RAILWAY CO., }  
OFFICE OF THE PRESIDENT, }  
PHILADELPHIA, December 9, 1884. }

MY DEAR SIR: I have your letter of December 8, and am sorry you took the trouble you have with our bill. We expect to build our road to San Diego, as already pledged to the public to do. We had hoped that it would be to your interest to connect with us at San Geronio Pass. Your suggestions are totally inadmissible, and I am rather surprised to have you make them after the many statements you have made to me in regard to this matter.

Very truly, yours,

THOMAS A. SCOTT,  
*President.*

C. P. HUNTINGTON, Esq.,  
*Vice-President, New York.*

(No. 7.)

NEW YORK, January 17, 1875.

FRIEND COLTON: \* \* \* I have received several letters and telegrams from Washington to-day, all calling me there, as Scott will certainly pass his Texas Pacific bill if I do not come over, and I shall go over to-night, but I think he could not pass his bill if I should help him; but of course I cannot know this for certain, and just what effort to make against him is what troubles me. It costs money to fix things so that I would know his bill would not pass. I believe with \$200,000 I can pass our bill, but I take it that it is not worth that much to us.

Yours truly,

C. P. HUNTINGTON.

(No. 8.)

NEW YORK, March 25, 1875.

FRIEND COLTON: Your telegram in relation to passenger coaches is received and is having attention. Tom Scott has gone, or is going very soon, over the Texas Pacific road, and so on into Mexico, and I hear of several prominent parties going to Mexico with him. He has commenced to get up his Texas Pacific connected with some Mexican scheme, and I have no doubt but that he will be before Congress next winter in great force, but we ought to be in condition to at least keep him this side of the Colorado river. I have been at work considerable of the time since you left getting up pamphlet in relation to the S. P., giving many reasons why the bonds should be very good, and I think after you have read the book you will take some of the securities. Colburn is putting the facts in a readable shape. I find him to be a very valuable man. Cannot you do something to bring up the gross earnings of the S. P.? They are very small for so much road as is being operated. I think that road should have a first class superintendent. I send with this copy of B. S. Manufacturing Company letter in relation to curtains for sleeping car.

Yours truly,

C. P. HUNTINGTON.

(No. 9.)

NEW YORK, April 7th, 1875.

FRIEND COLTON: Your three letters of April 27th and one of 28th, Nos. 23, 24, 25, and 26, are received. I read your letter No. 25 where it refers to matter here with much satisfaction, as it shows that you understand the whole situation between P. M., O. and O. and U. P. and C. P. Any one fully understanding the position of the different



companies would see at a glance that the C. P. is not entirely master of the situation, but I am very well satisfied that if we hold steadily to our purposes and not strain our credit too much we shall finally beat all the wild speculators like Jones and Gould. If I mistake not Jones is a small gun compared with Gould. I have set matters to work in the South that I think will switch most of the South off from Tom. Scott's Texas and Pacific bill. I am having articles written and set afloat in the papers here about O. and O. C. Co., and they make the rounds by being recopied, and as it costs nothing it is a cheap way of advertising. I am also having articles written and published as though written in the places where we buy cars and locomotives, etc., for the S. P. It gives the S. P. some notoriety without cost. I notice what you say of C. B. stock. If you will read my letters to Stanford, Nos. 510, 521, 529, and some others that I do not recollect numbers of, you will have my views. I am often asked by my associates in California about my views in the matters that I have written to the others of, and allow me to say that all letters that I number consecutively I have supposed would be read by all, and then go into the basket together. As to more fifty-pound steel or iron rails, I must say that at the present outlook it seems to me that we have as many contracted for as it is safe to have when we include the cost of buying them.

Yours, truly,

C. P. HUNTINGTON.

(No. 10.)

NEW YORK, May 8th, 1875.

FRIEND COLTON: Yours of 29th April, No. 28, was received. I send with this receipted bill of the six coaches bought of Gilbert, Brush & Co. All the material that I buy here is paid for by the Central Pacific. Some of it, like these coaches, I know are for the S. P., but just whether they are to be charged to the S. P. or the Western Development Company I do not know. Then some other things—say rails—I do not know whether they will go on to the S. P., or not, and you will see the necessity of watching the material as it arrives out, and see that it is charged to the proper company, and when material is ordered if you would let me know to or for what company, I would then see that it was charged here to the proper party.

Yours, truly,

C. P. HUNTINGTON.

(No. 11.)

NEW YORK, May 28, 1875.

FRIEND COLTON: Yours of the 20th is received with newspaper clippings. I do not think Booth made many votes by his Grand Hotel speech. The Governor said—Governor S.—some good things to the *Chronicle* interviewer; but I think it unfortunate that he should so closely connect the C. P. with the S. P., as that is the only weapon our enemies have to fight us with in Congress.

\* \* \* \* \*

Yours, truly,

C. P. HUNTINGTON.

(No. 12.)

NEW YORK, September 15, 1875.

FRIEND COLTON: Scott is stirring up the South on his Texas Pacific. Parties are sending me papers every day—some for him, some against him. I have written three letters to-day to different parties in the South on T. P. R. R. matters. I think it is of much importance that we have some rights in Arizona, and if you could get them I think you should do so at once. You know my views, and I had a long talk with Gage on the matter, and if we could get two franchises to run through the State I think we should do so at once. We should not be known in it, but should be sure that we have the control, in black and white, before they become a law. I will write again in a few days. Somehow I have not got my ideas in line yet.

Yours, truly,

C. P. HUNTINGTON.

(No. 13.)

NEW YORK, September 18, 1875.

FRIEND COLTON: Scott is doing all that he possibly can to help him in the passage of his Texas Pacific bill through the next Congress. Scott gets parties to write letters and has them published in the Southern papers. I send one with this as sample. This, as you will see, was written by G. T. Beauregard to Senator Gordon, of Atlanta, Ga. He is making the old fight over again—that it is the Central Pacific that is fighting him in this, and that they (the C. P.) do not intend to let the South have a road if they can

help it. Our people in California made a great mistake when they undone what we done last winter to separate these two interests. But I see no way to help it, so we must make the fight under this disadvantage. Simonton has lost much here in his fight against Ralston, and I should not be surprised if he lost his position with the Associated Press.

Yours, truly,

C. P. HUNTINGTON.

P. S. —Of course I hold that Colton and his friends hold the S. P. Co.

H.

(14.)

NEW YORK, September 27, 1875.

FRIEND COLTON: Yours of the 18th with inclosure, as stated, is received. You must be very busy with all your associates out of the city. I notice by McCarthy's letter to Mr. Crocker that the people of San Diego will join with us if he will agree to to build east from their city, and I am inclined to think we had better do that, as that would strengthen Wigginton very much to have his people ask him to fight for a bill as we want it. Scott is making the strongest possible effort to pass his bill the coming session of Congress. He gets every little gathering in the South to pass resolutions favoring the Texas Pacific bill, then those that the Texas Pacific owes name is legion, and, of course, they are all for it; then he is promising a connection with all the broken-down roads in the South, with a promise of money to help them all if his bill passes, and by some kind of a turn he is settling up with all those that hold him personally, and that is to help him, as it makes his promises worth something with the broken-down fellows that he is agreeing to help. If we had a franchise to build a road or two roads through Arizona (we controlling, but having it in the name of another party) then have some party in Washington to make a local fight and asking for the guarantee of their bonds by the United States, and if that could not be obtained, offering to build the road without any aid, it could be used against Scott in such a way that I do not believe any politician would dare vote for it. Cannot you have Safford call the Legislature together and grant such charters as we want at a cost of say \$25,000? If we could get such a charter as I spoke to you of it would be worth much money to us. If there is anything done it must be done quickly. I am very sorry that Sargent is feeling so hard towards us, but I shall endeavor to see him before Congress meets. I have bought the tunnel bolts at three and a half currency instead of nine cents gold, as was being paid by Mr. Crocker when I was in California. I think money is too cheap with you all in California, and that we can be beat in building railroads by those that place more value on a dollar than we do, and I think when any one of us goes to the front in a car that weighs say twenty tons, it adds to the cost of every mile of road that we build thereafter more than \$100 per mile. I wish you would let me know who ordered the officers' car that is now running on the S. P. Please let me know what the new transfer-boat cost.

Yours, truly,

C. P. HUNTINGTON.

(No. 15.)

NEW YORK, October 4, 1875.

FRIEND COLTON: Yours of the 23d and 25th of September, Nos. 68 and 69, are received. I expect to go to Washington next week and I will look into the matter of which you write. That matter of directors has been talked of by the U. P. people and others for some years, and I should not be surprised if the Texas Pacific (Tom Scott's) should annoy us in that way if he could. Sam. Morton was just in and says that he obtained a judgment a few days since against Fremont's old road that was consolidated with the Texas Pacific for \$23,000, and that there is other claims against it that Tom Scott promised to pay; and Morton says he has applied for a receiver and is sure to get it in less than ten days if Scott does not pay him his money. I hear something every day of what Scott is doing in the South for his Texas Pacific. I cannot believe that he will get through; but one of our weak points will be having no rights in Arizona under which we can build roads. I am glad to hear that you are getting our finances in a better condition than they have been, and hope with you that you will pay our old friend Cohen what we owe him. Nothing new here. Our matters moving about as usual.

Yours, truly,

C. P. HUNTINGTON.

(No. 16.)

NEW YORK, October 9, 1875.

FRIEND COLTON : \* \* \* It seems to me that we can as well protect the Central by carrying the Mohave branch of the S. P. out 700 or 800 miles from San Francisco, as though we went to Salt Lake, and if we have to build as far east as Salt Lake it should be on some line farther south, where we could connect with something more agreeable than the U. P. I think it very important that we have two franchises to run from the Colorado River through Arizona to the east line of the Territory. Such ones as those I spoke to you of would be very valuable to us. I suppose they would cost less to have other parties than ourselves stand at the front while they are being obtained — that is, if they should be free from taxation and interference with the fares and freight rates. But then after the charters were obtained I think they would serve us best to have if known that they were controlled by the S. P. I am endeavoring to get a combination of interests to build a road from New Orleans to El Paso. I had one party in to-day largely interested in a road on that line running west from New Orleans into Texas (it was El Van Hoffman), and he asked me what right we had to build roads in Arizona. I told him I did not know, but I had no doubt we could get the right if we had not got it. Please let me know how you would build in the Territory at this time if you wished to do so. I received a letter to-day from Washington. It stated that Scott was there a few days ago, and talked very loud about Texas P. That he should surely pass his bill the coming session of Congress.

Yours, truly,

C. P. HUNTINGTON.

(No. 17.)

NEW YORK, October 18, 1875.

FRIEND COLTON : \* \* \* In your interesting letter of the 5th you mention San Diego matters. Now, it is well to switch that people from the Texas Pacific road ; but I would suggest that you keep on asking them what they will do, but not make them any definite proposition, for if you do it will be sent East at once, and I am working with the South and saying to them (and getting some good articles published) that our interest lays with them ; that what San Francisco and California wants is a direct connection with New Orleans and other Gulf ports, and that our interest lays that way, and we oppose the Texas Pacific because we think if it is built it will prevent for many years our getting such a connection, and I have not had any talk with the Atlantic and Pacific for the above reasons. You are mistaken about the directors' car on the S. P. It was built before I was president, and was on the road before I knew anything about it. I was making no particular objection to it, but I thought I would kind of like to know how it came on the road. I am glad to learn, as I do by yours of the 7th, that you are settling for east-bound business in California with P. M. S. S. Co., for they are the — to do anything with here. As to Oregon matters, we had best keep them with us as long as we can, and I have sometimes thought it would be well to tell them what we would do, as the N. P. people are again in the field, but they will not be likely to hurt any one for some time, unless some fellow should lend them some money ; then that fellow no doubt would get hurt.

Yours truly,

C. P. HUNTINGTON.

(No. 18.)

NEW YORK, November 10, 1875.

FRIEND COLTON : Yours of October 23, 1875, No. 85, is before me. Dr. Gwin is also here. I think the doctor can do us some good if he can work under cover, but if he is to come to the surface as our man I think it would be better that he should not come, as he is very obnoxious to very many on the Republican side of the House, and then there is so many things about our business that he does not know, and he has not the time to learn it before Congress comes and goes. It was very unfortunate that he came over in directors' car with Mr. Crocker. I received a letter to-day from a party in Massachusetts that said that Gorham and Sargent were very much offended because Gwin was, or rather had, come over to look after our interest in Washington. I am, however, disposed to think that Gwin can do us some good, but not as our agent, but as an anti-subsidy Democrat, and also as a Southern man with much influence in the South in showing the Southern people that the Texas and Pacific R. R. is in no way a Southern Pacific road, but a road, if built by the Government, would prevent the Southern States from having a road to the Pacific for many years. But Gwin must not be known as our man. \* \* \*

Yours, etc.,

C. P. H.

(No. 19.)

NEW YORK, November 13, 1875.

FRIEND COLTON: Your dispatch that you had sent \$200,000 gold is received. Dr. Gwin left for the South yesterday. I think he can do us considerable good if he sticks for hard money and anti-subsidy schemes, but if it was understood by the public that he was here in our interest it would no doubt hurt us. When he left I told him he must not write to me, but when he wanted I should know his whereabouts, etc., to write to R. T. Colburn, of Elizabeth, N. J. I have had several interviews with the Houston and Texas Central Railroad people. This road is built from Galveston to Austin, and is the only live road in Texas. It has a land grant to the west line of the State (Texas) of 4,769,280 acres. It is owned by William E. Dodge, Moses Taylor, W. M. Rice, and other strong men of this city. I saw Dodge a few days since with the view of having them build to El Paso, and we build to that point to meet them. He said he thought they would do it. He said he was opposed to the Government granting any aid to his or any other road. D. has been sick ever since I saw him, so I went to-day and saw Moses Taylor. He said he liked the idea, and that he would talk it up with his people, etc. There will be no Government aid granted this session, and if we can get the H. and T. Central to stand in with us and offer to build a line through, we build to El Paso from the west and they from the east, I think Scott's fish will be cooked. Budd is doing good work in the Gulf States. Has the 70 shares of glass stock been got in? How are you progressing with the machine-shop grounds? I borrowed yesterday \$100,000 easy for 4, 5, and 6 months at 7 per cent. No commission. I think I shall take up some 12 months' paper at 12 per cent.

Yours, truly,

C. P. HUNTINGTON.

(No. 20.)

NEW YORK, November 23, 1875.

FRIEND COLTON: Yours of the 13th, No. 95, is received, and I am glad that you see your way clear to send me \$1,500,000 for interest before the 1st of January, as our payments are very large in December, and this fight with the Texas Pacific will hurt us to the utmost that they can in the way of all kinds of false reports. They of course will have some friends in Congress. They will offer resolutions to investigate us, stating that we have forfeited our charter, etc. I was told a few days ago that Scott said he would make us let go of his Texas Pacific. The South are getting very much in earnest in their opposition to Scott's project. I get papers from the South almost every day pitching into him. I have not heard from Gwin since he left.

Yours, truly,

C. P. HUNTINGTON.

(No. 21.)

NEW YORK, November 24, 1875.

FRIEND COLTON: Your dispatch of the 22d, advising of the sending of another \$100,000 in gold, is received. Colonel Morton, whom you no doubt will recollect, was in the office to-day, and said he had had a long conference with Bond, V.-P. of the Texas Pacific road, and Morton said some one asked him to find out what I wanted. I said to M. that I did not think the S. P. had any proposition to make; that if the Texas P. had any to make it would be considered, but it was my opinion that no subsidy bill could pass Congress this session, if all the railroads in the country were working for it. I think we shall hear from them again. Do we want to help the bill, even if we were allowed to go to El Paso by the act if it should pass? Crocker was in the office to-day, and I spoke to him about the S. P. sending me a special power of attorney to act for the S. P. before Congress and make any proposition to build the S. P. to meet railroads on this side, etc. Mr. C. said he would attend to it, but I write this to remind him, as he took no memorandum. I want you to make such a proposition as I wrote to you for some days since. I am getting the South well waked up on Scott's Southern-Northern project.

Yours truly,

C. P. HUNTINGTON.

(No. 22.)

NEW YORK, December 16, 1875.

FRIEND COLTON: Your two letters of the 6th, Nos. 109 and 110, are received, with inclosures. I have looked over the two bills that you sent. They are very well, but I do not think that we shall be able to pass either of them, and I am no ways clear that we want to pass the A. and P. amendment if we could, as it would add so much



to the work to be done by the S. P. that I think it would prevent our selling a S. P. bond longer than we can afford to wait. I have been trying to amend the Texas Pacific act so as to allow the officers of the S. P. to take an interest in the construction co. that would be likely to build the road, as was thought best to have some of the officers of the railroad co. that were financially strong take an interest in the building co.; and I recollect that it was at one time thought there could not be outsiders found that would take all the stock of the construction co. I shall do what I can to get the Texas Pacific act amended so as to allow the S. P. to build east of the Colorado River, but I much doubt being able to do anything, for if Scott cannot pass his Texas Pacific bill he can do much to hinder us from passing ours. Then the A. and P. will oppose it with what power they have. Then, of course, the U. P. would oppose under cover, if not otherwise; at least I know we should if we were in their place. Then the politicians would naturally be against it, as they would think it would do them good to prevent this grant going to the S. P., as if not it would be likely to come back to the people. I shall do what I can, but you had better make your calculations to build the road east of the Colorado River on what you can get out of the Territories and the road itself. If you expect to get anything in Arizona and New Mexico, I would suggest that you do not do as we did in Utah—wait until the enemy was in possession. Of course you noticed the vote of the House yesterday on subsidies—223 against and 33 for. I was just told that Scott said after the vote that it was no indication that he would not pass his Texas Pacific bill. I have received several letters from Texas in the last few days. They would like to work with the S. P., but are fearful of the Texas P., as I have taken the ground that there would be no Government money aid granted and the United States has no land in Texas, and as the legislature does not meet in Texas until March, so they can get nothing from the State this winter, hence they are disposed to fight shy for the moment; but I think when the Texas legislature meets, the Texas Central Railroad Co. will ask \$10,000 per mile of the State from Austin to El Paso, and they have a land grant of nearly 5,000,000 acres.

I have been thinking that it possibly would be well for the S. P. to ask direct of Texas say \$10,000 per mile from Austin to El Paso, and there is a very important land grant from Texas to the Austin and Pacific Railroad Co. I am told that this grants sixteen sections per mile from Austin to El Paso, and they have three years from next May to build the first twenty-five miles. What do you all think of it? I have just bought \$40,000 Central paper that had about three months to run at 10 per cent.

Yours, truly,

C. P. HUNTINGTON.

(No. 23.)

NEW YORK, December 22, 1875.

FRIEND COLTON: Your letters of the 11th inst., Nos. 111 and 112, are received; also, your dispatch that you would send \$125,000 in gold. You need send more gold for the January interest. I notice the progress on the tunnels; they go slow. I hope the work on that next to the longest one in the Tehachipi will be pushed. I am glad to notice that you are thinking of commencing it soon. What is the exact length of the San Fernando tunnel? I think the doctor will return to California in January. I have just returned from Washington. The doctor (Gwin) was unfortunate about the railroad committee; that is, there was not a man put on the committee that was on his list, and I must say I was deceived; and he was often with Kerr, and K. was at his rooms and spent nearly one evening. The committee is not necessarily a Texas Pacific, but it is a commercial committee, and I have not much fear but that they can be convinced that ours is the right bill for the country. If things could have been left as we fixed them last winter there would have been little difficulty in defeating Scott's bill; but their only argument is, it is controlled by the Central. That does not amount to much beyond this: It allows members to vote for Scott's bill for one reason and give the other—that it was to break up a great monopoly, etc. If these ———— interviewers would keep out of the way, it would be much easier traveling. I send a few clippings.

Yours, truly,

C. P. HUNTINGTON.

(No. 24.)

NEW YORK, December 17, 1875.

FRIEND COLTON: I expect to have a bill ready early next week so amending the Texas Pacific act as to allow the S. P. to build east of the Colorado river; or, rather, will have some changes made in the bill you sent over. The vote in the House the other day will do much good in helping Speaker Kerr in making up the railroad and land committees in such a way that they will not be likely to report in favor of any sub-

sides. Of course the South were not all for Scott's bill before we commenced working there ; but we have done good work, and I am getting Southern papers every day from the line of his travels that speak right out against the Texas Pacific. See clippings inclosed. The *Railroad Gazette*, in publishing the proceedings of the St. Louis convention, made some mistakes which I have endeavored to correct, as you will notice by copy of letters sent to you. Nearly all the papers here have taken favorable notice of it. I send slips from *World* and *Tribune*. The editor's article in the *Railroad Gazette* I did not see until after its publication. I have looked over Governor Irwin's message ; it seems to be well enough, although not just such a one on railroad matters as I expected.

Yours, truly,

C. P. HUNTINGTON.

(No. 25.)

NEW YORK, March 4, 1876.

FRIEND COLTON : Yours of February 24, No. 142, is received. I have been in Washington most of the time since Congress met, and you say truly when you write that you think I have had a rough fight here this winter. The railroad committee of the House was set up for Scott, and it has been a very difficult matter to switch a majority of the committee away from him, but I think it has been done ; but Scott is very able, and then he promises everything to everybody, which helps him for the day and in this fight, and just what he may yet do I cannot say. \* \* \* And I think it of so much importance that he is not allowed to build a road parallel to ours with Government aid that I shall endeavor to get our bill passed through the Senate this winter if possible (and the House, too). If we only get it through the Senate, and could then get built some road in Arizona before Congress comes together next winter, I think there would be but little doubt we would win the fight. What do you think of it? \* \* \*

Yours, truly,

C. P. HUNTINGTON.

(No. 26.)

NEW YORK, March 22, 1876.

FRIEND COLTON : \* \* \* I am having a very lively fight at Washington, but things do not look bad.

Scott is making a very dirty fight, and I shall try very hard to pay him off, and if I do not live to see the grass growing over him I shall be mistaken.

I am doing all I can to demoralize Scott in Texas. He has got to have legislation in that State to extend time on his land grant or else it is lost to him. \* \* \*

Yours, truly,

C. P. HUNTINGTON.

(No. 27.)

NEW YORK, May 12, 1876.

FRIEND COLTON : Your letters of April 29th and May 2d and 4th, Nos. 155, 156, and 157, are received, with inclosures as therein stated. I am very glad to learn that you are able to be out again. Bad time for any of the S. P. party to be sick, as we have fight enough to go round and give each one all he cares for, that is if his wants in that line are anyways reasonable. I sent Hopkins an article yesterday cut from the *Commercial Advertiser*; to-day I met one of the editors, Norcutt ; he told me Scott paid for having it published ; that he would not have let it gone into the paper if it had been left to him, etc. With this I send slip from to-day's *Times*. Just what is to come out of this fight I cannot say, but I expect to live to see the grass growing over these fellows ; but in the mean time we shall be hurt some. I have just learned that the slip from the *Times* (or the matter contained therein) has gone to Europe by cable. Scott is spending money to get these things sent out, and the fight will go on for some time, or at least so long as he thinks by so doing he can make us get out of the way of his Texas and P. swindle, which I do not propose to do. See correspondence with Judge Bell of Texas. I wish you would write on paper that would allow of my filing your letters. From the memorandum sent of the work done and to be done on the Tehachapi tunnels it would seem as though the rails ought to be laid to the summit by July 1st. This evening's papers have just come in and they have a long article about the petition presented to-day by A. A. Sargent, calling for a committee to investigate C. P. C. and F., etc.

Yours, truly,

C. P. HUNTINGTON.

(No. 28.)

NEW YORK, May 28, 1875.

FRIEND COLTON: Yours of the 20th is received, with N. P. clippings. I do not think Booth made many votes by his Grand Hotel speech. The Governor said—Governor S—some good things to the *Chronicle* interviewer; but I think it unfortunate that he should so closely connect the C. P. with the S. P., as that is the only weapon our enemies have to fight us with in Congress. \* \* \*

Yours, truly,

C. P. HUNTINGTON.

(No. 29.)

NEW YORK, November 15, 1876.

FRIEND COLTON: I had a meeting in Philadelphia last night with Tom Scott. We meet again here to-morrow. I do not have my own way altogether, but I think that we can agree upon some bill that we can all work for. We shall have to pro rate on through business more than I would like. And I think there should be a bridge company organized (that we are not known in) to build over the Colorado river, at, say, Arrowsbury or any other point on the river, then build at the point where the railroad crosses, under contract with the railroad company. In this way we could tax the through business on this line if we so desired. \* \* \*

Yours, truly,

C. P. HUNTINGTON.

(No. 30.)

NEW YORK, December 4, 1876.

FRIEND COLTON: \* \* \* I send copy of the bill, although not altogether agreed to yet. You will notice it allows of a bridge outside of the railroad corporation at the Colorado river; or, as you will see, the road from the west goes to the river and starts from the river to go east; but there must be nothing said about this bridge. If there should be it would kill it, and it is possible we may need this bridge outside the railroad company. \* \* \*

Yours, &amp;c.,

C. P. HUNTINGTON.

## A BLACKMAIL BRIDGE.

NEW YORK, December 7, 1876.

FRIEND COLTON: Your letters, Nov. 28 and 29, Nos. 7, 8 and 9, have just come to hand. As to the bridge over the Colorado river, it is a matter that I care nothing about, if you do not. But in fixing up the S. P. and T. and P. matter it occurred to me that we should have to pro rate with the T. and P., as the S. P. would be over mountains and through a country where water and fuel will be expensive. It occurred to me that a bridge with an arbitrary would be well to help us to get what we really ought to have, and protect our interests generally. As I said before, if you don't want it, I don't. \* \* \*

Yours, truly,

C. P. HUNTINGTON.

(No. 31.)

WASHINGTON, D. C., December 20, 1876.

FRIEND COLTON: I am having the roughest fight with Scott that I have ever had, but I hope to drive him into something that we can accept. I should not have much trouble if matters could have been left as we fixed them when you were here, but since some of our people has convinced the public that the S. P. is being built by the C. P., and they have raised the cry of monopoly against us, it makes it very hard for us; but such is life. You must send us considerable money by the 1st of January to pay interest; my being away from New York so much of late has prevented me from making loans there, as money has been hard to get, and Fogg has not been able to renew our paper only to a very limited extent, and we shall have to pay this month, with what we have paid, say \$1,800,000. Then, in January, say interest \$12,000, and bills payable, \$800,000. You must put off your bills and pay-rolls there for two or three months it is necessary. You had better have it telegraphed as often as you can how you are pushing on the road toward Fort Yuma.

Yours, truly,

C. P. HUNTINGTON.

(No. 32.)

SCOTT AND THE LOBBY.

NEW YORK, October 3, 1877.

FRIEND COLTON : Herewith I send memorandum of bills payable and transactions in September. You will notice the amount to be paid this month is very large, and just how much of it can be borrowed here is uncertain, but much of it, I hope ; but a portion will have to come from the earnings of the road in California.

Your letters, Nos. 12, 13 and 14, are received. I shall go to Washington to-morrow night to see about the Colorado bridge. I think it can be fixed, but Scott is doing his very best. There has been, I think, more work done since Congress adjourned for the T. and P. than was ever done before for any interest in the whole history of this country, but if we spend as much money in laying rails east of the Colorado as he spends on his Washington lobby, we shall, in my opinion, surely beat him. I shall do all I can here, but I do not feel as well as I wish I did, and somehow dread the coming fight.

I will endeavor to write you again to-morrow.

Yours, truly,

C. P. HUNTINGTON.

(No. 33.)

NEW YORK, March 20, 1877.

FRIEND COLTON : Your letters of March 7th and 9th, Nos. 33 and 34 are received. I notice what you write in your No. 33 relating to the C. P. sending goods via Chicago. Now, I have no interest as to the route over which this business travels, except it takes the route that will best advance the whole interest of the C. P., which it seemed to me would be best done by our sending a part via St. Louis and a portion via Chicago. There is considerable complaint, which shows itself in Washington, because all the business goes through Chicago and none via St. Louis and Cincinnati, and so we have the same amount for the C. P. It would seem best we divide this business. And as to the time that is made on the northern line, I think you would have no trouble in getting the southern lines to agree to take it via New Orleans that is now taken, and they certainly would have no trouble in filling the contract as to the time.

Scott is at work, and I think doing more than ever before, preparing to put his Texas Pacific through next winter, and possibly at the extra session if there is one. I have little or no fears of his doing anything at the extra session, but if he can convince Congress that the S. P. is controlled by the C. P. (and I think with what aid he can get from my associates in California) I believe he can pass his bill to build on the direct line between Fort Yuma and San Diego, and I think I know enough of Washington to know how he can do it.

I have just received telegram from Crocker in relation to daily mails east of Yuma, but of that I will write him.

Yours, truly,

C. P. HUNTINGTON.

(No. 34.)

NEW YORK, May 17, 1877.

FRIEND COLTON : Yours of the 9th, No. 48, is received. What you say about our stopping at Fort Yuma is well, and would be almost conclusive if the S. P. was not owned and controlled by the C. P. ; but when we tell Congress we are willing to build this road the answer is always the same. Of course you are to protect the Central, but what the country wants is a competing road. Now, many members of Congress believe all this stuff, and others talk it for reasons that I need not mention here, but, if they are not convinced, think the open highway will satisfy their constituents that they were working for the good of the whole country. When the Texas and P. Co. were asking aid to go through the San Geronio Pass, one argument was : We have built a road there with our own money. Will Congress furnish the means for Colonel Scott to go on and destroy property that we have in good faith located ? No one would do that. But their proposition now is to build direct to San Diego under the cry of an open highway for the people. I do not believe they can get the aid from the government necessary to do it, but they will not be prevented from doing it because the Central Pacific will do it without aid, but because the country is so generally committed against any subsidy, or because there is some interest fairly invested that would be destroyed by the building the open highway.

We certainly are not prepared to build east of the Colorado river this season. If I have a clear view of what I think ought to be done I will write you.

Yours, truly,

C. P. HUNTINGTON.



(No. 35.)

NEW YORK, October 5, 1877.

FRIEND COLTON: Yours, No. 15, is received. I notice your remarks on our matters in California. I have no doubt there is many things to annoy you. The dispatches about crossing the Colorado come over very well. I think Gould has had as much to do with stopping us on the bridge as Scott has, although I have had no reason for so thinking up to this morning (see clip from *Tribune*) except Jim Wilson, of Iowa, is their man and has much influence with McCreary.

Secretary of War Wilson was in Washington when the first order went out to stop work on the bridge, and Gould came in twice and Dillon once to tell me that the Secretary of the Interior had his war paint on, and was to attack us in his message, etc. I thought at the time they were trying to cover up something, and rather supposed it was to check us on the S. P.

I met George M. Pullman last night. He told me that he met General Dodge a few days since, and that D. told him that Gould said to him (D.) that he would build as fast from Salt Lake west as we built east of the Colorado. I am disposed to think that you in California have never fully realized how much of a menace to the U. P. was the building of the S. P. east from Yuma, and I am satisfied that we want to so fix the S. P. that the U. P. interest will be just as safe as the C. P. Just how to do it is not so clear, but I am inclined to think we shall have to give the U. P. a one-half interest in all the road east of Yuma, or say ten twenty-seconds of the whole road, and the latter I think they would not care to do and give us what the stock has fairly cost us, which you will recollect, as near as we could get at it, was 20 per cent.; but this is an important matter and has got to be met, as those great interests are only valuable so long as they can be worked in harmony. Talk this matter over and let me have your views.

Yours, truly,

C. P. HUNTINGTON.

THE PRESIDENT CROSS.

No. 361.]

NEW YORK, October 10, 1877.

FRIEND COLTON: Yours of September 28th is received, and its contents carefully noted. I shall do all I can, but it is very difficult to keep any money; but I shall do all I can.

I went to Washington night before last and returned last night. I think I have the bridge question settled for the present. I found it harder to do than I expected. The Secretary of War told me that they had had it up in two Cabinet meetings and had concluded not to do anything, as Congress would come together next week; but I got him out of that idea in about twenty minutes. I then saw three others of the Cabinet; then I went and saw the President. He was a little cross at first; said we had defied the Government, &c.; but I soon got him out of that belief. I said to him that we were very much in earnest about building the S. P. I said to him that I had written out after we were given the right to go on and complete the bridge, after being once stopped, that they (you) had better push the work night and day, as we had been stopped once without any reason known to us, and that we might be again, and that I guessed the boys very likely quit work and went to supper, and the military quit at the same time and got their supper and went to bed, supposing the workmen would do the same, but instead of going to bed went back and laid the track across the bridge, so as to be sure and have it so trains would cross before they received any order to quit. The President laughed heartily at that, and said he guessed we meant business. He then said, "What do you propose to do if we let you run over the bridge?" I said, "Push the road right on through Arizona." He said, "Will you do that? If you will, that will suit me first-rate."

Now, I think you had better spend a little money building east from Yuma and have it telegraphed over as often as you can; it will do us much good here.

I would like to hear now and then how the Ione coal is being used.

I have telegraphed to Crocker to have it understood there that the draw was closed by pressure from the people of Arizona, and not saying we had anything to do with it.

Yours, truly,

C. P. HUNTINGTON.

(No. 36.)

HAYES' FALSE REPORT DECLINED.

NEW YORK, October 15, 1877.

FRIEND COLTON: \* \* \* Very likely such a report as Mr. H. would give us would be worth the price he asks; but as the crops are short this year in California, and

as what we might call an off-year with us, I am disposed to think we had better let it pass for this year.

I do not think General Sherman telegraphed to any one on this side about the bridge at Yuma.

General McDowell wrote to the Secretary of War recommending that the bridge be put back just as it was when orders were given us to stop. I wish you would get a strong letter from General Sherman that the bridge is in the right place, harms no one, but is of very great benefit to the military, as well as all the interests in Arizona and Northern Mexico, &c. We may need it, as I think it very likely Scott may try to get a resolution through Congress to stop our building in Arizona, and perhaps to stop our crossing the bridge. I send with this a clip from to-day's *Times*. It will not hurt us, although you will notice it has its hit at us.

Yours, truly,

C. P. HUNTINGTON.

(No. 37.)

NEW YORK, June 3, 1878.

FRIEND COLTON: Yours (Nos. 89 and 90) are received. As to rails to lay twenty-two miles on west side of Sacramento River, I wrote Stanford a few days since. Could not get rails. I notice what you say about sale of land on account of Central Pacific; also about building any more road.

I quite agree with you in the main; but all the reasons that ever existed why we should build east of Yuma now exist. Only the one reason why we should not, viz., not get the money, prevents me from urging the extension of that line. I put (something?) in the omnibus bill to kill the T. and P., and I think it will do it. I have received three telegrams to come to Washington to-night. I go.

Yours, truly,

C. P. HUNTINGTON.

These letters tell the story plainly of the hostile position of the Southern Pacific toward the Texas Pacific during all these years, and that it neither had or claimed any rights east of Yuma. But its grasping character was exhibited at the first opportunity, having resolved to build east.

At Yuma only one desirable location for a bridge over the Colorado was found. This the Southern Pacific desire to appropriate, anticipating, what afterward occurred, that the Texas Pacific would attempt precisely the same thing.

This point was in the military reservation, and of course could not be legally condemned or appropriated under its right-of-way act, as that did not extend it any rights on military reservations.

In October, 1876, the Texas Pacific applied to the military authorities at Yuma for leave to break ground on the reservation for the crossing of the river. This permission was granted, but in November following it was revoked.

In April, 1877, the Southern Pacific was given permission to lay its track provisionally through a corner of the reservation, and the open contest between these two corporations began.

The details, as to this reservation, are given in Ex. Doc. 33, 2d session, 45th Congress, in full.

It is enough to state here that the Southern Pacific was successful, under the leave to cross "temporarily a portion of the reservation," in not only building its permanent railroad across it, but in building a permanent railroad, and, through its construction company, a toll bridge over the river, which enables them to do as proposed in letters No. 29, 30, "*to tax the through business of the country.*"

This in utter defiance of the War Department, against the positive orders of the Secretary of War.

General McDowell wrote, October 3, 1877: "The post commander was powerless, all the troops having been withdrawn to the field." Nor has it yet ever procured the consent of the Government to occupy this reservation; it has been a continual trespasser to this day.

Failing to procure authority from Congress to build east of Yuma, the Southern Pacific procured charters from the Territorial legislatures of Arizona and New Mexico to proceed and build through those Territories over the line selected by the Texas Pacific; and on commencing its work under these charters, the Texas Pacific invoked the aid of the judiciary. It filed a bill for an injunction and a receiver as to the improvements of the Southern Pacific, and the relief prayed was given; but the Southern Pacific continued its work, paying no attention to the order, and the litigation continued as pending until settled by a decree, entered at the March term, 1882, of the court, not on a judicial investigation, but *by agreement of all the parties.*

On the question as to the relation of these two companies during all the years the two lines were being constructed, your committee do not find a single act performed by either that was not hostile in its character as to the other.

Again, on the question as to whether the Southern Pacific had either the intention of asking or the hope or expectation of receiving a dollar of aid or an acre of land, we find that in the Forty-fifth and Forty-sixth Congresses, as against the request of Mr. Scott for guarantee to his road, statement after statement and argument after argument was made by the representatives of the Southern Pacific that aid of any character was entirely useless and an unjustifiable expenditure of the public money and property.

It was argued by them that their company was practically demonstrating the non-necessity of Governmental aid to the enterprise of building a railroad along the thirty-second parallel by building its own there and without aid, which it neither asked nor desired.

Mr. Huntington, in 1878, wrote :

"If it were once understood that no subsidies would hereafter be granted by Congress, the incomplete gap (between Fort Worth, the western terminus of the Texas Pacific then, and Yuma) would be filled within five years by private capital alone, without asking or committing in any way the national revenues to the work."

Before the Senate committee, in 1878, he said :

"We are ready to construct right along, and willing to provide an outlet to the East for ourselves without cost to the Government."

And again :

"The question before you is whether you will give the Texas Pacific a guarantee of nearly forty millions of bonds for building a road, 200 miles of which is useless, and 600 miles of which we offer to build without aid."

Scores of men in Washington to-day recall the earnest statements of Mr. Huntington, made during the first session of the Forty-sixth Congress, in opposition to the Texas Pacific, that the Southern Pacific could and would build the road without a dollar of aid or an acre of land, if the Texas Pacific was kept out of the way.

In the current daily papers at this date appears a letter from ex-Senator Gordon, explanatory of his course in supporting the Southern Pacific plan of opposing Scott, which your committee deem worth notice. Among other things he says :

"Mr. Scott was asking a guarantee on about fifty millions of bonds. Mr. Huntington, on the other hand, was asking nothing of Congress, either by way of indorsement of his bonds or as subsidy in lands. He asked only to be let alone and allowed to build the road on the same general line, and was actually constructing it without any Government aid. \* \* \* I opposed the Scott bill and favored the Huntington plan. He declared he could and would build the road without a dollar of Government aid or subsidy. *He did it.* He declared he would make the eastern terminus of his lines southern ports and only southern ports. He has done it."

Resuming the history of the case : Failing to get the subsidy desired, the affairs of the Texas Pacific remained in *statu quo* for a time, the Southern Pacific prosecuting the work of building its road vigorously. When Mr. Jay Gould took charge of the Texas Pacific affairs work was rapidly done on the line toward the west in Texas, so that in November, 1881, the Texas Pacific had reached Sierra Blanca, Tex., about 91 miles east of El Paso, and the Southern Pacific fully completed to within a few miles of that point.

On the 26th of November, 1881, an agreement was made between Mr. Huntington and Mr. Gould, representing the two corporations, of which this is an abstract :

It is made between C. P. Huntington on one side, representing the Southern Pacific and the Galveston, Harrisburg and San Antonio roads and their connections eastward as far as New Orleans, and Jay Gould on the other side, representing the Texas and Pacific, including its New Orleans connection, the Iron Mountain, the International, Missouri, Kansas and Texas, and Missouri Pacific Companies. It provides that the tracks of the two systems shall be joined when they meet 100 miles or thereabouts east of El Paso, and both parties are to use the portion between the junction and El Paso on equal terms, the Texas and Pacific reserving the right to run its own trains into El Paso on paying half cost of maintenance, taxes and interest on half cost of construction, \$10,000 per mile. Through business is to be done on a pro rata basis by both companies, and this stands all the way to San Diego, Los Angeles and San Francisco, although the franchise of the Texas and Pacific was by its charter limited to San Diego ; and rates are to be as low between competitive points as by any other transcontinental routes. No discrimination is to be made by the Gould roads for or against any of the termini on the Mississippi or Gulf, either as to rates, time, or otherwise, or among the railroad lines eastward thereof, but east-bound unconsigned business for points reached by them in Northern Texas, Arkansas and Missouri is to be delivered to them at El Paso or the junction, as the case may be. The agreement does



not prevent or interfere with the completion of the Huntington road through Texas via San Antonio and Houston, but provides that after its completion the New Orleans and seaboard business thereof shall be divided equally between the two lines and their connection, the Huntington road from Houston to New Orleans being accorded the privilege of using 100 miles of the Texas and Pacific nearest to New Orleans when necessary on the above terms. The two systems of roads intersect and cross each other at Houston, and between this point and Galveston they use the Galveston road, running through trains if necessary. The through business to and from El Paso and the Pacific will be divided on the basis of one-third to the Texas and Pacific and its connections, and two thirds of the line via San Antonio, that being the shortest line.

In consideration for the privileges of using jointly the road into El Paso, and of a perpetual privilege in Los Angeles and San Francisco, as well as San Diego, equal to the most favored, the Texas and Pacific has relinquished its claim to the land grant, right of way, and franchises west of El Paso to the Southern Pacific companies. The Texas and Pacific engages not to extend its road west of El Paso so long as the covenants with the Southern Pacific are observed, and the Southern Pacific agrees not to parallel the Texas and Pacific east of El Paso or either of the roads mentioned, in Texas, Arkansas, or Missouri. The usual provision is made for arbitration between any of the parties for the settlement of disputes, and the respective superintendents are to carry out the details of the arrangements as to interchange of traffic and the rates of compensation.

The Texas Pacific relinquishes and will convey to the Southern Pacific its claim to this land grant, right of way, and franchises west of El Paso.

Pursuant to this contract a deed was executed by the Texas Pacific on January 18, 1882, to the Southern Pacific, purporting to convey all the grantor had or could take west of El Paso; and in March, 1882, in the district court of the third judicial district of New Mexico, the bill of the Texas Pacific, filed and pending to prevent the Southern Pacific from building within the land grant to the Texas Pacific, was amended so as to make the Central Pacific a party to the litigation; and by agreement of all the parties a decree was entered on stipulation validating the agreement of November, 1881, and the deed of January 18, 1882, and especially that the road named in the decree shall be operated in perpetuity as a single continuous line.

Another important fact is that the Central Pacific Railroad Company now controls and operates all these roads from El Paso west, under leases from the nominal corporations owning them; it paying for the Southern Pacific of California, \$250 per mile per month; for the Southern Pacific of Arizona, \$135 per mile per month and taxes; for the Southern Pacific of New Mexico, the same rent; for the bridges over the Colorado and Rio Grande, \$1,000 per month each; and for the Los Angeles and San Diego, \$100 per mile per month and taxes. These rents and all operating expense of the line are included in the expense account of the Central Pacific.

From the foregoing facts, none of which were disputed, even before your committee, we draw these conclusions, viz:

That the Southern Pacific was a hostile enterprise to the Texas Pacific until all its road had been constructed to Sierra Blanca, Tex., and until the contract of November, 1881, was consummated.

That it shrank from nothing that tended to defeat the work the Texas Pacific was engaged in, viz., the construction of a competing through line of railroad to the Pacific Ocean.

That while the Southern Pacific was nominally an independent corporation, it was in fact practically the Central Pacific.

That the Southern Pacific was built with the money of the Central Pacific outside of the securities based upon it, and is operated and controlled by it.

That so far as Congress is concerned, the Southern Pacific never had any rights east of Yuma, upon which it could base a claim against the Government, either legal or equitable.

That the Southern Pacific built its road expressly without the intention, expectation or hope of receiving a dollar of aid or an acre of land therefor from the Government.

That by its action it aided in defeating the building of the road contemplated by Congress.

That no attention has ever been paid by it toward making San Diego a terminal point, but, on the contrary, so far as either of these companies is concerned, there is not a railroad within upward of one hundred miles of that place.

That, as suggested in letter No. 29 above, in order "to tax the through business on the line," two bridge companies have been organized, one owning the bridge over the Rio Grande and the other the bridge over the Colorado.



That, in connection with the facts in this report presented, common notoriety shows that the transcontinental transportation question now stands in this condition:

The next route north of this, the Atlantic and Pacific, is controlled by the Central Pacific west of the Colorado and by Mr. Gould east of it.

The Central Pacific and the Union Pacific, with Mr. Gould's connections east of Omaha, control the middle route.

By subsidizing the Pacific Mail, the Central Pacific keeps the water route under control.

The Northern Pacific is not only in a "pool" with the Central, but an agreement has been made between them whereby the territory of the great Northwest has been divided between them as to transportation, as though ownership of the country followed building of railroads into it, subject to which practical assertion of ownership the transportation of freight for the entire Pacific coast is under the control of the few men who adopt as their rule for charges "all the traffic will bear," and who have introduced, for the first time in the history of common carriage and in the only place in the civilized world, the practice of "special contracts," whereby a citizen of the republic, to avail himself of the necessary benefits of the improved methods of transportation by steam and rail equally with those these men choose to favor with reasonable rates of charges, must contract that he will not deal in the property freighted with any but those having like contracts with himself and giving the managers of these corporations the right of espionage over their books and papers, to ascertain the details of their business and whether such contract has been violated.

These are the men who ask *on grounds of equity*, that this vast grant of land, an empire in area, and estimated by themselves at forty millions of dollars in value, shall be given them.

Your committee has had no difficulty in disposing of the claim on the basis of the "equity."

Nor have we been perplexed in solving the question as to the legal right of the Southern Pacific to this grant.

As has been stated, we have had the benefit of legal argument by some of the most eminent counsel in the land, and the claim by this company to the grant on legal grounds may be stated in this way:

By the act making the grant the *title* to the land passed to the Texas Pacific—the act was a grant *in presenti*, with a condition subsequent.

The Texas Pacific, thus being vested with the legal title, although subject to the condition subsequent, which contained, among other things, the building of the road to San Diego and the completing the whole line by May 2d, 1882, and that there should be no consolidation with any competing line, yet the legal title was an assignable interest which could be conveyed, and that by the deed made by the Texas Pacific January 18, 1882, to the Southern Pacific, it became vested with the legal title to all the land, and because the Congress did not, in making the grant and coupling with it a condition subsequent, in express terms reserve to itself the power to declare the grant forfeited for breach of the condition if it should not be complied with, therefore no right of forfeiture exists, and the hands of Congress are tied and the Government is powerless to resume the grant by reason of such omission.

In other words, generally stated, the distinguished counsel for the company declares that in law the power to declare a forfeiture of a grant made on condition subsequent for breach of the condition must be reserved to the grantor by express terms in the act making the grant, or it does not exist.

No authority was produced to the committee except the statement of the attorneys asserting this extraordinary doctrine in support of it; but the interests being so great, we have examined the books on the question, and are not able to find a single authority in support of the proposition, and we believe none can be found.

On the contrary, Washburn on Real Property, vol. 2, 3d ed., p. 15, asserts the rule to be—

"Where the condition of a grant is express there is no need of reserving a right of entry for a breach thereof in order to enable the grantor to avail himself of it."

See also *Jackson vs. Allen*, 3 Cowan, 220; *Gray vs. Blanchard*, 8 Pick., 284; Littleton, sec. 331.

Indeed, all the decided cases we can find, as well as the text-books, are in harmony and to the same effect; so we do not present argument upon it here.

Counsel also urge that, under the law, a forfeiture of a grant is purely a judicial question; one for the courts alone, and that Congress has no power in the matter.

We are of different opinion. It seems perfectly clear to this committee that a declaration of forfeiture is only the act of the grantor, asserting his right to assume the grant, to be exercised at his option, terminating an estate for breach of the condition on which it is

granted. The power rests with him ; it is at his option whether he will exercise it or not ; purely a matter of discretion, with the exercise of which the courts have nothing to do, and until it is exercised there is nothing on which the court can act.

When forfeiture is declared and resumption of ownership asserted by the grantor, *then* the court may be invoked to declare whether the right existed or whether it had been effectively exercised ; but the question of forfeiture is with the grantor, personal or legislative, as the grant is private or public, and the judiciary has no jurisdiction whatever until after the grantor has acted to assert his or its right to declare the forfeiture, and then the grantee may invoke the judiciary.

To us this is too clear to be regarded as debatable or needing elaboration.

But the counsel insisted also that if the committee should declare that the right to declare a forfeiture did exist, then the Southern Pacific had the right to the grant on the ground that *it* had substantially complied with the requirements of the act as they should have been performed by the Texas Pacific in the building of a road to the Pacific coast ; that while the Southern Pacific was practically a volunteer in the prosecution of the work, not having authority from Congress to undertake and prosecute the work, yet having built a railroad along substantially the same line which the Texas Pacific would have followed, and having given the country, by the building and the contract of November, 1881, with the Texas Pacific, a line of railroad to San Francisco, and the Texas Pacific being satisfied, the Government is bound to be, and give them the grant. And in the argument used—the illustration of a reward offered for lost goods, the finder is always a volunteer and entitled to the reward ; that it is immaterial to the loser who finds and restores his goods—they evade the question of the necessity of San Diego being made a terminal point, as well as that that city has been avoided and no road located or built to it by them, or in which they are interested.

But waiving the question of full performance, has this last claim a basis in the law ?

Before the claimant company can be held to be entitled to this grant it must be found that the conditions of the grant have all been complied with by it or its grantor ; that it is the legal “successor and assign” of the Texas and Pacific, and also that such succession is not the result of a combination or consolidation with the Texas and Pacific “by rival or and competing through line of railroad to the Pacific Ocean.”

Neither of these propositions can be held in favor of the claimant here. The Southern Pacific is not the “successor and assign” of the Texas Pacific. These words have a well-defined significance, and when used in connection with a corporation, sole or aggregate, have *invariably* been held to be words of limitation, like the word “heirs” in a conveyance to an individual.

The successors of a corporation correspond to the heirs of a natural person. (Burrill's Law Dict., title Successors ; Bouvier's Law Dict. ; Angell & Ames, Corp., sec. 192 ; 2 Kernaw Rep., 129.)

We confidently assert that not a case can be found (except the Attorney-General's opinion in the N. O., B. R. and V. case) where the words “successors and assigns” are used as applied to a corporation, when that body simply succeeds by purchase or contract to a part or all of the assets of another corporation, but not including its franchise or right to exist as a corporate body. No construction is better settled in the law.

The Southern Pacific simply asserts a right under a deed from the Texas Pacific as grantee of what is assumed by both to be part of the assets of the Texas Pacific, but the granting corporation, the Texas Pacific Company, still exists and remains, with all the vitality and activity it ever possessed as an artificial creature, losing none of its identity, although by this contract it attempts to divest itself of part of its powers and a portion of its tangible assets. But the Southern Pacific is simply the vendee or grantee of the Texas Pacific as to the items named ; this and nothing more. The Texas Pacific cannot so exist and at the same time have an existing “successor.” In a case like this a very clear distinction is to be taken between legally succeeding to a portion of a property of a corporation as vendee or grantee and being the legal “successor” to the corporation itself. Mere privity by contract alone will create the first, but creation or selection by public authority and an entire legal substitution of person is necessary in the latter case. In this case Congress passed the act for the express and avowed purpose of causing the construction of a short and competitive route along the thirty-second parallel from the Mississippi to San Diego Bay. The points which were to be connected, as well as the corporation which should perform the work and be the recipient of the bounty of the government for the performance of the work, were all determined by Congress and expressly named.

The position of the transcontinental line, Central and Union Pacific, was well understood by the people and their representatives in Congress then, and too recent now to require a restatement. Railway communication between the oceans was an absolute necessity, but the extortions and discriminations of the Central and Union Pacific (and apparently beyond the power of their creator to prevent) caused an urgent demand on

the part of the people for another and a competitive route across the continent. To provide this the act of 1871, attempted; the terminal points were fixed; the bay of San Diego named as a western terminus of this to be grand line, and work to be begun simultaneously at either end and rapidly prosecuted. San Francisco was by section 23 to be connected with the new road only; not to be a terminal point as it now is. The road was contemplated to the ocean at San Diego, with a branch to San Francisco. This is clearly a substantial requirement.

In every section of the act clearly appears the expressed intention that the Texas Pacific Company shall prosecute the work. This company is organized, and for the clearly expressed purpose, as stated; *this* company may purchase stock of other companies, or may consolidate, but not with any competing line, but all such purchasers and consolidations should *vest the property in the Texas Pacific Railway Company*. This company was to file maps, to build and complete the road and telegraph line, to execute mortgages, &c., and (section 17) the Texas Pacific Company to construct the road within ten years. Nowhere does it appear, even by implication, that any other party, *by privity of contract merely*, should have any rights in the matter, either to perform the conditions imposed or succeed to any of the privileges conferred. The Texas Pacific was to be a competitor to the other lines across the continent, as well those projected as completed; and so everything shows that Congress intended that the corporation it created for the purpose, or its legal successors, should perform the duties, afford the facilities, and receive the benefit provided for by this act. It must be kept in mind that the Southern Pacific had no authority, direct or implied, from the United States to do any act east of the Colorado; it was only authorized to connect with the Texas Pacific at or near the Colorado, for the purpose of connecting San Francisco with the new route; there and at that point its power ceased so far as Congress was concerned. All that it has done since was at its own instance: it was not induced by the land grant to build east of Yuma; the Government did not request it, but did all in its power, in its feeble way and with the small military force at its disposal, to prevent the occupancy of the Yuma Reservation and the Colorado River, but unsuccessfully; it pursued its course as a rival road to the one chartered by Congress and for the purpose, now clearly apparent, of defeating the expressed will of the people for a competing road across the continent, by securing for itself, in connection with the Central Pacific, the entire control of the vast and increasing transcontinental transportation. The claim of the Southern Pacific to be treated as a successor of the Texas Pacific under the law is based solely on the fact that it has succeeded as a rival to the Texas Pacific in building a road where the Texas Pacific proposed to build one; preventing the Texas Pacific from accomplishing the object of its creation, and in return for a concession of part of the freightage of the future, and an agreement not only to compete, but not to extend lines to the injury of the other, the Texas Pacific assumed to convey what it never had the least right to control, either legally or equitably, and the Southern Pacific asserts a clear right as grantee to what its grantor had not the shadow of a subsisting claim, and as to which it has put beyond itself the power to ever earn or claim. San Diego was named as a terminal point by Congress, and for very obvious reasons. The Central Pacific reached San Francisco, and the natural depot and entrepot for the proposed competitive line on the Pacific would be San Diego; not a railroad is within 100 miles of it, except on paper, now, so far as these companies are concerned, and all the benefits conferred by the road taken to San Francisco and made to inure to the benefit of the company it was to compete with. The facts which we state in this report show that the Southern Pacific is in fact the Central Pacific, practically the same directory in both, the former operated under a lease to the latter; all the expenses charged in the account of the Central Pacific. These claims might equally as well be made by the Central Pacific by name as by the Southern Pacific. The same logic that would justify granting this application would compel doing the same act for the Central Pacific if it had performed the acts done nominally by the Southern Pacific. The difficulty with the reasoning of the counsel for the applicant is, that they assume that all that was contemplated by Congress was that a railroad should be built along the 32d parallel, and that it is absolutely immaterial who or what company builds it, or what the relation or bearing of the builder may be toward the people or the question of transportation. So that the company named in the granting act is satisfied, either by compulsion or purchase; in effect making the latter company the agents of the Government to bestow a gratuity upon the corporation which had defeated not only the company appointed by Congress to do its work, but Congress itself. This is required, and must appear: that the railroad contemplated by the granting act shall be built or procured, and by the designated party or its legal successor, one which stands in its place and stead, under the restrictions and provisions of the granting act; and if purchase or consolidation be attempted or effected, *that the corporation designated by Congress shall be the major factor in the case*; that it shall absorb



the others, and be the owner of the "corpus," and not, as in this case, when the process has been reversed. The act provides a grant for "aiding in the construction of *the* railroad and telegraph line herein provided for," etc., not a railroad constructed by the Central Pacific or the Union Pacific, or the Atlantic and Pacific companies, or either of them, but by a company it created, its successors or assigns, as a competitive line.

Again, while counsel waived argument upon the question before us, we submit that the condition in the grant prohibiting consolidation with rival or competing lines has been absolutely violated by the Texas and Pacific in the making of the contract of November, 1881.

Practically and legally, so far as it affects the public or the question of transportation, that contract was one of consolidation, and with a rival hostile line. It provides for traffic arrangements, a pool of receipts, a perpetual user, an absolute community of interest, an agreement not to construct parallel lines, and a surrender of all rights and franchises beyond the connecting point, so far as it was possible for the Texas and Pacific to surrender and convey.

Looking over the whole case, then, we find that Congress organized a particular corporation for an avowed, specific purpose; agreed to give it 15,000,000 of acres of land, if within ten years it should build its road from Marshall, Tex., to San Diego Bay as provided.

Congress prohibited it from making any arrangements with others which would destroy its own identity, or interfere with the proposed or expected results.

Congress provided that in any consolidation it might make or contracts with regard to property rights, the property acquired, rights secured, or consolidation effected, all should be the property of the Texas and Pacific.

This company has not accomplished a single object for which it was created.

It has never been in a position or condition in which it could perform, or even attempt to perform, substantially, one single act required of it.

It never reached a point nearer than 90 miles of where it could earn an acre of ground; it was never in sight of the "promised land."

Failing to do any act it was bound and required to do, it attempted to do every act possible which it was prohibited from doing.

Organized to build across the continent, it solemnly bound itself with its rival and enemy never to attempt to do it. Created to compete with the Central Pacific, it makes a perpetual alliance with it, and a perpetual pool as to charges and rates. Established to promote a healthy, beneficial competition, it bargains away, so far as it is able, its franchises, or right to exist as a corporation in all the territory where Congress had sole jurisdiction, and parceled out as suited the convenience of itself and its opponent the carrying trade of one-third of the territory of the Republic. Given life for a special purpose, it uses every means within its power to defeat the object of its creation, and, as a fitting climax to all this iniquity, it endeavors to supplant Congress as a donor of the public domain, as a part of the transaction which was its own suicide. The Southern Pacific claims to "stand in the shoes" of the Texas and Pacific.

Your committee agree that "standing in the shoes" would do if the Southern Pacific *filed the shoes*. But it does not.

It never had authority or recognition by Congress east of Yuma. All its attempts before Congress to secure recognition there have repeatedly failed as made. For its own purposes, at its own instance, in its own way, by methods which many honest, good men have denounced, greedy to embrace all the land with its network of rails, to secure monopoly of transportation, surmounting opposition and beating down all obstacles in its way, and in doing so crushing the agent Congress had selected as the instrument to build a road there, doing nothing, absolutely nothing, by the governmental authority or assent even, and having succeeded in defeating a necessary work and rendering absolutely abortive the attempt to have one competing transportation route to the Pacific built, it coolly asks Congress to bestow upon it fifteen millions of acres of land, to give it the ownership of an area sufficient for perhaps one hundred thousand homes as a reward for that result.

So your committee report the accompanying bill with the recommendation that it pass, suggesting here that it may not be improper to adopt the same rule as to Mr. Huntington that he proposed as to Mr. Scott in his letter of November 8, 1874, No. 2, above, "but if Scott kicks at it, I propose to say to Congress, 'We will build east of the Colorado to meet the Texas Pacific without aid, and then see how many members will dare to give him aid to do what we offered to do without.'" We will plead guilty to a curiosity to see how many members of this House will "dare to vote" to give this grant to him now, for doing what he then proposed *to do* and *did* without aid or promise of any. We are confirmed in our conclusion by the action of the Judiciary Committee of the House of the Forty-seventh Congress, where, as we are advised, fourteen of the fifteen members of that



committee concurred in the opinion that the Southern Pacific Railroad Company had neither legal nor equitable claim to any part of the grant, and that under the decisions of the Supreme Court of the United States action on the part of Congress is necessary to restore this land to the public domain. No legal rights can be divested or lost by the proposed action, and whatever legal rights exist can only be ascertained after forfeiture.

We ought, perhaps, to apologize for the length of this report; but the interests are so vast, the value of the property so great, the claim of the railroad company insisted upon with so much zeal and apparent candor and earnestness, and, moreover, this being the pioneer case in the list of proposed forfeitures of lapsed land grants to railroads before this Congress, we have thought it not inexpedient to thoroughly canvass the questions presented, although subjecting ourselves to the charge of prolixity.

A BILL to declare a forfeiture of lands granted to the Texas Pacific Railroad Company, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all lands granted to the Texas Pacific Railroad Company under the act of Congress entitled "An act to incorporate the Texas Pacific Railroad Company and to aid in the construction of its road, and for other purposes," approved March third, eighteen hundred and seventy-one, and acts amendatory thereof or supplemental thereto, be, and they are hereby, declared forfeited, and that the whole of said lands be restored to the public domain and made subject to sale and settlement under existing laws of the United States.

SEC. 2. That in any and all cases, as to any lands embraced within the terms of the act named in section one of this act, whenever the Department of the Interior, or its officers, or the local land officers, have treated said lands as open to selection, purchase, or homestead entry, and have allowed purchases, selections, and entries of any of said lands under the general laws of the United States, the acts of the Department of the Interior, and its officers, and the local land officers, in permitting such entries, selections, and purchases, in making such sales and in issuing patents, certificates, and lists thereon, are hereby ratified and validated; and the rights and titles of parties or persons holding patents or claiming right or title under certificates or lists of lands issued or certified by the Secretary of the Interior, the Commissioner of the General Land Office, or certificates issued by the officers of the local land offices, or who have made homestead entries or pre-emption settlements or claims of any kind upon any of said lands, under the general laws of the United States, in any way affected adversely by said grant, are hereby confirmed and made valid to the same extent as though said grant had never been made; and all of said lands embraced within the provisions of said acts shall be restored to the public domain, subject to the saving of rights as provided in this section, as though said grant had never been made.

H. R. 181.

To declare forfeited certain lands granted to aid in the construction of a railroad in Oregon and to enforce the same by judicial proceedings.

Passed House June 4, 1884. In the Senate received June 9, 1884, and referred to the committee on public lands March 7, with amendment. No vote taken.

H. R. 180.

To declare forfeited certain lands in the State of Michigan to and in the construction of a railroad, and to enforce the same by judicial proceedings.

In the House March 5, 1884, reported from the committee and referred to the House calendar. No vote taken.

H. R. 5682.

To repeal section 22 of the act to incorporate the Texas Pacific R. R. Co., approved March 3, 1871; and to declare a forfeiture of the land grant therein made, and for other purposes.

In the House, June 26, defeated.

H. R. 6408.

To forfeit lands granted to the State of Michigan to aid in the construction of a railroad from Marquette to Ontonagon in said State. No vote taken.

H. R. 6416.

To provide for the adjustment of land grants made by Congress to aid in the construction of railroads within the State of Kansas. No vote taken.

H. R. 6534.

To declare forfeited certain lands granted to aid in the construction of the Northern Pacific R. R. and for other purposes. No vote taken.

H. R. 7162.

To forfeit the unearned lands granted to the Atlantic & Pacific R. R. Co. and to restore the same to the public domain. Passed House June 9, 1884.

In the Senate, July 3, amended and passed Senate. No conference between the two houses had.

H. R. 7238.

To restore lands held in indemnity limits for railroad and wagon road companies and for other purposes. No vote taken.

H. R. 7299.

Forfeiting a part of certain lands granted to the State of Iowa to aid in the construction of railroads in that State and for other purposes. Passed House June 20. In the Senate, June 21, received and referred to the Committee on Public Lands. No report made.

H. R. 7495.

To declare forfeited certain lands granted to aid in the construction of a railroad from Portland in Oregon to the Central Pacific R. R. Co. in Cal. No vote taken.

### Foreign Land Owners.

The following table shows the amount of acres held in vast estates by foreign, absentee, landlords :

The Holland Land Company, New Mexico.....	4,500,000
An English syndicate, No. 3, in Texas.....	3,000,000
Sir Edward Reid and a syndicate, in Florida.....	2,000,000
English syndicate, in Mississippi.....	1,800,000
Marquis of Tweeddale.....	1,750,000
Phillips, Marshal & Co., London.....	1,300,000
German syndicate.....	1,100,000
Anglo-American syndicate, Mr. Rogers, president, London.....	750,000
Bryan H. Evans, of London, in Mississippi.....	700,000
Duke of Sutherland.....	425,000
British Land Company, in Kansas.....	320,000
William Whalley, M.P., Peterboro, England.....	310,000
Missouri Land Company, Edinburgh, Scotland.....	300,000
Robert Tennant, of London.....	230,000
Dundee Land Company, Scotland.....	247,000
Lord Dunmore.....	120,000
Benjamin Newgas, Liverpool.....	100,000
Lord Houghton, in Florida.....	60,000
Lord Dunraven, in Colorado.....	60,000
English Land Company, in Florida.....	50,000
English Land Company, in Arkansas.....	50,000
Albert Peel, M.P., Leicestershire, England.....	10,000
Sir J. L. Kay, Yorkshire, England.....	5,000
Alexander Grant, of London, in Kansas.....	35,000
English syndicate (represented by Close Bros.) Wisconsin.....	110,000
M. Ellerhauser, of Halifax, Nova Scotia, in West Virginia.....	600,000
A Scotch syndicate, in Florida.....	500,000
A Boysen, Danish Consul, in Milwaukee.....	50,000
Missouri Land Company, of Edinburgh, Scotland.....	165,000
Total.....	20,747,000

### Unlawful Fencing of the Public Domain.

Space does not permit an account of the manner in which wealthy owners of large cattle ranches, many of them foreigners, have been permitted by the present administration to unlawfully fence in the land belonging to the Government.

Among the cases of unauthorized fencing specially reported to the Land Office by agents are those of the Prairie Cattle Company, embracing upwards of 1,000,000 acres; the Arkansas Valley Company, 1,000,000 acres; H. H. Metcalf, 200,000 acres; John W. Prowers, 200,000 acres; McDaniel & Davis, 75,000 acres; Routhler & Lamb, 40,000 acres; J. W. Frank, 40,000 acres; Garnett & Langford, 30,000 acres; E. C. Tane, 50,000 acres; Lewesey Brothers, 150,000 acres; Vroomer & McFife, 50,000 acres; Beatty Brothers, 40,000 acres; Chick, Brown & Co., 30,000 acres, and Reynolds Cattle Company, 50,000 acres, all in Colorado. Brighton Rancho, 125,000 acres; Coe & Carter, 80,000 acres; J. W. Wilson, 25,000 acres; Kennebec Ranch, 40,000 acres, and J. W. Bosler, 20,000 acres, in Nebraska. William Humphrey, 25,000 acres, and Nelson & Son, 20,000 acres, in Nevada.

### Whole Counties Appropriated.

Entire counties are reported as being fenced in Kansas. In Wyoming more than one hundred large cattle companies are reported as having fencing on the public lands: Some of these companies are reported to be English and others Scotch.

It is estimated that between 5,000,000 and 6,000,000 acres of public land are now illegally fenced, and that several millions of acres are fraudulently entered.

Relative to the fraudulent entries of land, a land agent in New Mexico informs the General Land Commissioner that of the entries in that Territory ninety per cent. are fraudulent, and another agent in Dakota, writing upon the same subject, says that seventy-five per cent. of the entries are fraudulent in that Territory. The following table shows the number of fraudulent entries that have been investigated during the past year, and approximately the number of illegally fenced acres in the various States and Territories:

States and Territories.	Fraudulent Entries.	Acres Illegally Fenced In.
Arkansas .....	70	.....
Dakota .....	460	.....
Colorado .....	808	2,800,000
California .....	139	.....
New Mexico.....	827	1,500,000
Minnesota .....	311	.....
Washington Territory.....	109	.....
Idaho .....	92	.....
Nebraska .....	170	300,000
Montana .....	24	Not investigated
Wyoming .....	10	250,000
Alabama .....	153	.....
Wisconsin .....	10	.....
Florida .....	71	.....
Oregon .....	83	.....
Kansas .....	182	200,000
Nevada.....	...	60,000

Besides the cases embraced in the foregoing table there are about five thousand entries on which action has been suspended until an examination can be made by special agents.

J. W. McFarland, of Harper, Kan., writes to the Land Office:

In the name of God I ask is this a republican form of government, when the poor man, with barely enough to keep soul and body together and pay for his 180 acres of land must pay the taxes of the country and the cattle king go free. If so, I was a big fool to spend three years of my life to defend such a country.

In the State of Colorado alone the administration of the law has been so lax that 2,157,000 acres of Government land have been illegally fenced in. This would provide homesteads for 13,481 heads of families, and could maintain easily a population of 75,000 people. The following is the table :

	ACRES.
Leivesy Brothers, Pueblo and Fremont Counties, R. 66 and 67, T. 20 and 21..	150,000
J. W. Frank, Pueblo County, R. 65 and 66, T. 20 and 21.....	40,000
M. Stute, Pueblo County, R. 65, T. 13 and 19.....	20,000
E. C. Tane, Pueblo County, R. 63 and 64, T. 19 and 20.....	50,000
Garnett & Langford, Pueblo County, R. 62.....	30,000
A. D. Carpenter, Pueblo County, R. 62 and 63.....	20,000
John Ross, Pueblo County, R. 61 and 62.....	20,000
John Herchberger, Pueblo County, R. 60.....	10,000
Crook & Carlisle, Pueblo County, R. 59 and 60.....	10,000
McDaniel & Davis, Pueblo County, R. 60 and 61.....	75,000
Ranchler & Lamb, Pueblo County, R. 60 and 62.....	40,000
John W. Prowers, Bent County.....	200,000
Prairie Cattle Company, Bent and Las Animas Counties.....	100,000
Arkansas Valley Cattle Company, Bent and Las Animas Counties.....	1,000,000
Vrooman & McFife, Bent County.....	50,000
J. W. Swink, Bent County, R. 56 and 57.....	10,000
Hopkins & Bingham, Bent County.....	30,000
Beatty Brothers, Bent County.....	40,000
J. W. Patton, Bent County.....	5,000
H. Bert, Bent County.....	5,000
A. C. Poke, Bent County.....	3,000
J. L. Metch, Bent County.....	5,000
James Pratt, Bent County.....	3,000
H. Thompson, Bent County.....	2,000
Reed & Foster, Bent County.....	2,000
Ed. Wah, Fremont County.....	10,000
William Gorman, Fremont County.....	2,000
Witcher Brothers, Fremont County.....	20,000
Reynolds Cattle Company, Fremont County.....	50,000
A. Steel, Fremont County.....	10,000
Ed. Burnett, Fremont County.....	5,000
Henry Berris, Fremont County.....	20,000
Freeman Brothers, Pueblo and Fremont Counties.....	20,000
R. Pope, Fremont County.....	2,000
G. E. Phillips, Fremont County.....	2,000
James Errers, Fremont County.....	2,000
B. Berry, Park County.....	25,000
B. Hammond, Park County.....	2,000
W. R. Smith, Park County.....	15,000
Early Brothers, Park County.....	12,000
J. Mulock, Park County.....	20,000
J. Simms, Park County.....	10,000
Thomas Robbins, Park County.....	10,000

The Democratic party, in convention assembled, pledges itself to the preservation of the public lands for actual settlers. Its record in Congress has been given, and shows a determination to exact the forfeiture of all unearned lands granted to railroads. Upon this vital question, as upon all others, it is, not by profession merely, but by practice, the true anti-monopoly party.



## Protection of Labor.

### Labor Bills.

The action of the House of Representatives of the 46th Congress on questions affecting the material well being of workingmen was highly commendable. One of its first acts was to constitute a Committee on Labor to consider and perfect such measures for action. And this action is in marked contrast with the refusal of the 47th Congress to create such a committee. It is well known that representatives of the leading labor organizations applied to Speaker Keifer for the creation of a Committee on Labor, and, failing in that, for the appointment on the committee, to which what are known as the labor bills would be referred, of members known to be familiar with the wants and in sympathy with the wishes of workingmen. No Committee on Labor was created by the Republican Congress, nor were the members suggested appointed on the committee having the bills in charge. As above stated a committee on labor was created by the present Congress and men appointed on it who were known as friends of the workingmen, among them being Mr. Hopkins of Pa., Mr. Foran of Ohio, a cooper by trade, Mr. Lovering of Mass., formerly an operator in a shoe factory, and Mr. O'Neill of Mo., well known as an eloquent advocater of the rights of workingmen. From this committee were reported, 1, the bill to establish a bureau of labor; 2, the bill to prohibit the importation of foreign labor under contract; 3, the bill to enforce the eight hour law; 4, the joint resolution declaring in favor of the employment of residents and citizens of the U. S. in the Construction of the public works of the government; 5, the joint resolution proposing an amendment to the Constitution of the U. S. prohibiting any State from contracting with any person or corporation to hire or contract out the labor of prisoners; 6, the bill for the abolition of the contract labor system, so far as the prisoners of the U. S. are concerned; and 7, the bill granting leave of absence to the employés of the Government Printing Office. The bill to grant leave of absence to letter carriers, the bill to make effective the act prohibiting the importation of Chinese laborers, the bill to prevent the unlawful occupancy of the public domain, and various bills to forfeit unearned land grants were reported from other Committees of the House.

Of these measures the bill to establish a bureau of labor because a law, and is in the words following :

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be established in the Department of the interior a Bureau of Labor, which shall be under the charge of a Commissioner of Labor, who shall be appointed by the President, by and with the consent of the Senate. The Commissioner of Labor shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed, and shall receive a salary of three thousand dollars a year. The Commissioner shall collect information upon the subject of labor, its relation to capital, the hours of labor, and the earnings of laboring men and women, and the means of promoting their material, social, intellectual, and moral prosperity. The Secretary of the Interior, upon the recommendation of said Commissioner, shall appoint*

a chief clerk, who shall receive a salary of two thousand dollars per annum, and such other employees as may be necessary for the said Bureau: *Provided*, That the total expense shall not exceed twenty-five thousand dollars per annum. During the necessary absence of the Commissioner, or when the office shall become vacant, the chief clerk shall perform the duties of the Commissioner. The Commissioner shall annually make a report in writing to the Secretary of the Interior of the information collected and collated by him, and containing such recommendations as he may deem calculated to promote the efficiency of the Bureau.

Approved, June 27, 1884.

The bill to prohibit the importation of foreigners and aliens under contract to perform labor in the United States, passed the House, June 19, 1884, by a vote of 102 to 17. The report accompanying the bill says

"The bill in no measure seeks to restrict free immigration. Such a proposition would be, and justly so, odious to the American people. The foreigner who voluntarily and from choice leaves his native land and settles in this country with the intention of becoming an American citizen, a part of the American body politic, has always been welcome to our shores. As a recent writer well said—

Such an immigrant by his coming to this country gives us a certain assurance as to his ability to take care of himself, and to hold up the standard of social well being which he finds already existing among our working classes.

Such an immigrant comes here because the institutions of the country are in consonance with his social and political ideas, and because of the advantages and opportunities afforded by the extent of our domain and its material resources. He comes to better his social and financial condition, to take advantage of the facilities which he finds here; and as he comes of his own volition, by his own means, and from choice, he always exacts for his labor the highest rates which the market affords. No one is injured by his coming, and as he generally makes a good citizen, the State is benefited by the acquisition. These immigrants are generally of a higher class socially, morally, and intellectually, and have aided largely in the development of our industries and the material progress of our people. With this class of immigrants this bill has no concern. Its object is to restrict and prohibit the immigration or rather the importation of an entirely different class of persons, the immigrant who does not come by "his own initiative, but by that of the capitalist." It seeks to restrain and prohibit the immigration or importation of laborers who would have never seen our shores but for the inducements and allurements of men whose only object is to obtain labor at the lowest possible rate, regardless of the social and material well being of our own citizens and regardless of the evil consequences which result to American laborers from such immigration. This class of immigrants care nothing about our institutions, and in many instances never even heard of them; they are men whose passage is paid by the importers; they come here under contract to labor for a certain number of years; they are ignorant of our social conditions, and that they may remain so they are isolated and prevented from coming into contact with Americans. They are generally from the lowest social stratum, and live upon the coarsest food and in hovels of a character before unknown to American workmen. Being bound by contract they are unable, even were they so disposed, to take advantage of the facilities afforded by the country to which they have been imported. They, as a rule, do not become citizens, and are certainly not a desirable acquisition to the body politic. When their term of contract servitude expires, their place is supplied by fresh importations. The inevitable tendency of their presence amongst us is to degrade American labor and reduce it to the level of the imported pauper labor.

The demand for the enactment of some restrictive measure of this character comes not alone from American workingmen, but also from employers of labor in America. The employers of labor, who from inability or from patriotic motives, employ only American workingmen, are unable to compete in the market with the corporations who employ the cheap imported labor.

As an evidence of the truth of this proposition, the glass manufacturers of Pittsburgh, including all the large employers of labor in that industry, in January, 1880, denounced the action of the manufacturers west of Pittsburgh in importing European workmen in place of discharged American workmen.

This evil has become so extensive, alarming, and great, that the attention of our foreign consuls has been directed to it.

Henry Sterne, Esq., United States Consul at Buda-Pesth, Hungary, says :

There seems to be an agency at work, which by misrepresentations induces people to leave their homes who will not better their condition thereby, nor benefit the country which receives them. People inquire by letter and in person at this consulate about this agency of which they have heard or read. Some even claim that this consulate has instructions from the United States Government to assist people in immigrating. I am under the impression that the United States Government does not approve of immigration brought about by such irregular means, and of the character described, and, therefore, beg leave to suggest whether steps could or should not be taken to correct the evil, if I may be permitted to term it such. *I have information that agents are managing the business a good deal in the manner of the Coolie trade, and that these immigrants are shipped to the United States about like so many cattle.* (See State Department Report 1881-82.)

Count Esterhazy, an intelligent, cultivated Hungarian, at present Austrian consul to this country, who has established a bureau for the protection of Hungarian immigrants, says :

There is no doubt that a contract system is being carried on, and I believe it has reached larger proportions than any one believes. Certain it is that great numbers of immigrants are landed on these shores *who are owned by capitalists*. As far as I know, persons who have been so imported are satisfied; but this fact does not apologize for the system. I have long endeavored to discover who the parties are who obtain the immigrants on the other side, but have thus far been unsuccessful. I certainly hope that Congress will pass some law to put a stop to such immigration.

Superintendent Jackson, of Castle Garden, says, speaking on this subject:

I have no doubt that this system is carried on to a great extent by corporations in this country who have their agents abroad. Every now and then large gangs of laborers arrive, all bound for the same town. They are generally taken in charge by some person or persons who come here to meet them. Some few weeks ago a party composed of about sixty Irish and German girls arrived, all of whom were going to one of the large silk manufacturing establishments in New Jersey. I do not know whether they had contracted with any persons, but presume they had done so. No one will undertake to send persons to this country free of charge without some guarantee that certain services will be performed in lieu of the price of such passage. We have never received any complaints from the persons who have been imported here, but nevertheless I have no doubt that such a slavery system is being carried on.

Mr. Tuke, of the Tuke immigration committee of Great Britain, a short time ago wrote a letter to the London *Times*, and after referring to the immigrants whose passage had been paid to America from the Tuke fund, said: "Many instances are cited in which immigrants are returning their passage money." Whether they had done so because they had been transported under agreement or contract to perform labor here, and were to a certain extent compelled to return their passage money, does not appear, but it is more than probable that such was the case. In one year (1883) this Tuke immigration committee "assisted" or rather transported 3,600 persons to the United States. It is more than questionable whether these assisted immigrants, even if they do not come under contract, are a desirable acquisition to our population. This government is certainly under no moral obligations to care for and maintain the pauperized victims of the misrule and tyranny of foreign powers, whether brought here by contract or by the monopolies of America, or assisted here by the governments whose policy reduced them to pauperism.

Mr. John Swinton, of New York city, in a recent issue of his paper, states that in the lower quarters of New York city there are quite a number of firms engaged in trafficking in human flesh; they are, as a rule, engaged in the "banking business," but their ventures in the slave traffic are quite extensive. Going into one of these establishments for the ostensible purpose of securing Italian laborers for an iron company, the agent stated, in answer to an inquiry, that during the time they had been in business, *fourteen thousand Italians had been brought to this country under contract, six thousand of whom had returned to Italy.* It was further stated that they had agents at Naples; that the American companies paid the passage of the men from Italy, and their fare from New York to destination, which amount, the



imported Italian agrees to pay back with 6 per cent. interest. The men are shipped from New York to destination by the car load, cars being chartered for that purpose. The men receive from the American companies from \$1 to \$1.25 per day. Mr. Swinton also states that the Hudson River Iron and Ore Company in Linlithgow, Columbia County, New York, had in June, 1883, a large number of Hungarian laborers employed at *one dollar per day*; they were paid monthly, fifteen days being invariably retained by the company. The men were huddled together in shanties, and live mainly upon rye bread and potatoes. They had been brought there under contract to fill the places of American workingmen to glut the market and thus depress wages.

The testimony of those who have observed the habits of these men imported under contract is uniform as to their habits. "In respect to economy and frugality they greatly resemble the Chinese. One of them will walk miles, if necessary, to a butcher's shop and carry off thankfully the offal and refuse given them. The women assist the men, and do fully as much work. Children of both sexes not more than five years of age assist their mothers in loading the coke cars. Nearly everything they eat is boiled in a pot brought from Hungary. As many as forty are known to live in a single hut of two small rooms."

Free American workmen, with American ideas, culture and intelligence, cannot possibly compete with these people. The situation is essentially parallel to that which induced Congress to prohibit the importation of the Chinese. Italians and Hungarians are now brought to this country in precisely the same manner that the importation of Chinese was begun seventeen years ago. The Chinese were brought to California under contract and then hired out to the Union Pacific, Central Pacific, and other railway companies. Italians have been brought here in the same way to work for the Nickel Plate, Ohio River, and other railway companies in the Eastern, Southern, and Middle States. If it became necessary to protect the American workmen of the Pacific slope from the disastrous and debasing competition of Coolie labor, the same argument now applies with equal force and pertinency to the importation of pauper labor from Southern Europe.

The extracts from the able report of Mr. Foran which have been quoted show clearly the gravity of the danger threatening American workmen and the imperative need of legislation for their protection. The following resolution was adopted by the Window Glass Manufacturers' Association, held at West End Hotel, Long Branch, July 11, 1883 :

On motion of Mr. Gorsuch it was resolved, by a vote of 13 to 8, that the treasurer be authorized to pay a sum not exceeding thirty dollars per man for each blower or gatherer brought over from Europe after August 1, 1883, provided the same be employed by some member of this association, and provided they are not workmen who have been in this country within the twelve months last past.

Appended to the report is a summary of the testimony taken by the committee, extracts from which are here given :

MR. T. V. POWDERLY, of Scranton, Pa., master workman of the Knights of Labor of the United States, representing 500,000 workmen who are interested in several bills which are before Congress, testified as follows :

"I am interested in the eight hour law, the land bill, and bill on imported labor under contract introduced by Mr. Foran. These imported men show no disposition to become citizens of this country, but, on the contrary, seek to obtain a certain sum of money, which they consider a competence, and with it return to Italy or Hungary. I have seen eight of these people and one woman living in a small house, without beds or furniture, sleeping on the floor, and have been informed by reliable authority that these nine persons' expenses for one month was only \$27. I have seen them in the Frostburg region of Maryland, where they had been brought by agents, who engaged them at Castle Garden, living in a wooden building, sleeping on bunks, this building being fenced in to prevent them being communicated with by the people whose places they had taken.



The diet of these men was water and mush, with a small quantity of meat on Sunday. These men are brought into competition with skilled as well as unskilled labor, and it is fast becoming as bad as the competition of the Chinese in the West. A demand is now going up for an amendment of the Chinese bill in such particulars as it has been shown deficient."

WILLIAM LEACH, of Malaga, N. J., of the W. G. W. A., said:

"I was at Malaga last year when certain Belgians were brought to that place. It was our duty to find out from them if the situation of affairs at Malaga had been made known to them before they came, or whether it had not been misrepresented to them. When we attempted to obtain this information the company had thirty-five of us enjoined by the courts from interfering with them. The window glass workers were ordered out of their homes in midwinter and compelled to move. Last spring we went to work, the Belgians in one factory and the citizens in another. They have since left Malaga, the firm having changed managers."

EMILE BOUILLET, of Zanesville, Ohio, W. G. W. A., said:

"I was hired at Antwerp by an agent of Dean F. Williams, of Zanesville, Ohio, who came for a set of men (sixty). When I went to see him I asked him why he came to Europe for men. He replied 'that men were scarce and work plenty in the United States.' I told him we would expect the same wages paid in the United States. He said 'they would pay the New York tariff.' When we arrived at Zanesville we discovered that the New York tariff was 25 per cent. less than the regular price. I complained to the company of this misrepresentation and they answered that 'they did not authorize the payment of more than what they were then paying.' At Kent the company did not pay the price agreed upon. They brought them to Kent on a contract for three years. The men were not permitted to associate with American workmen lest they might find out the true state of affairs. Two of these men were arrested and put in jail for some days for violating this contract. When we arrived, a friend of one of us was met by a man whom he knew in Europe. As soon as they commenced to talk the manager ordered the arrest of the party. When we arrived at Mansfield, Ohio, a member of the firm came into the car and inquired if any of us could speak English; I answered that 'my father and I could.' He then warned us not to talk to the men."

Question by member of committee. What is the difference between the wages paid these foreigners and Americans?

Answer by John Schlicker. Between 28 and 50 per cent.

Question. Did any of these people show a disposition to become citizens?

Answer. I think not.

WILLIAM F. BARCLAY, representing the miners of the coke region of Pennsylvania, said:

"We have a great many of these so called Hungarians. They are not Hungarians, but Slavonians. They are not brought to our region on a written contract. There is an agency in Pittsburgh and in New York for the employment of these people, and to send them where they are called for. We are against the importation of these people because their influence is degrading. Firms employ these people in preference to Americans or other emigrants. They are easily imposed upon, not 5 per cent. of them being able to read. They perform this soft coal mining very well, as it requires little skill. They have usually about one woman to every ten men. Their habits are disgusting in the extreme. I saw and counted one day thirty-five women and children, employed forking coke and working about the ovens; the children poorly clad, of every age ranging from five years upward. They do not work on Sunday. To illustrate how they live: A yard boss, who went to get men to work, got thirty-seven men out of a house containing four small rooms. They had no beds, but laid on the floor, heads and tails, I suppose.

"I never knew one of these men to stay in the country. They spend comparatively nothing, saving their money to return home; even when sick they go to the poorhouse, until at last the authorities refused to longer entertain them while they had money. They will eat anything. They hang their meat out in the sun, that it may become soft and tainted. The business men of the region are opposed to them. They get the same wages as the Americans, except when they work by the day; then they are paid 33 per cent. less, which is all they are worth. This importation has reduced the price of mining, and makes it impossible for the men to do other than submit to whatever the operators demand or require of them, regardless of its justness. The condition of the miners and cokemakers generally is aggravated by the company stores which abound in the district. I priced potatoes before I left, and could have bought them of an outside dealer for fifty cents per bushel, while the price in the company stores is eighty cents per bushel. If the men do not deal in the store they are discharged.

"I never met one of these Slavonians who could speak English. We tried to organize the men to enforce the statutes of Pennsylvania, but it was a failure. The companies discharged the men who were active in the matter. They were blacklisted and refused work throughout the region. I was urged at another time to get up a strike by one of the operators so that the price of coke might be raised.

"The Hungarians are paid sixty cents per ton, but they are so ignorant that they do not know what a ton is. The miners are wet, and these people work from 1 o'clock A.M. to 7 P.M. for a day. Americans and more skilled workmen could do the same amount of work in eight hours, but all have to wait on the wagons, the filling of which is delayed by these men, thereby putting the skilled and the unskilled on an equality. We dare not lay our grievance before the coke manufacturers, for whoever does so will be immediately discharged. We are opposed to strikes, as they are of no use, and could not succeed with us while these people are in this state of ignorance. Our citizens and merchants are leaving the region. The conditions are becoming insufferable. The works run from two to five days per week, and the wages paid about \$1.25 per day, or generally eight tons at thirteen cents per ton. The coke manufacturers are now trying to form a syndicate, that they may monopolize the coke business. There are some manufacturers who will not employ these foreigners, one of whom lives in the region."

WILLIAM ASHTON, of Philadelphia, Pa., W. G. W. A., said:

"My information is in regard to importation of foreigners to Baltimore, Md. These men were brought under a contract; they were window glass blowers. The first importation took place in 1879; forty-eight were then brought over by Swindell Bros. The following year Baker Bros. imported seventeen, King Bros. twenty-two, and Swindell Bros. twenty-three. The first importation occurred during a strike; there was no strike when the second importation occurred. Some of the foreigners refused to work and were arrested, but discharged before a hearing was had; their clothing was retained by the firm and it was weeks before they could secure it. They were kept locked in houses, when not working, and could not be seen by the Americans. Most of them have since returned home, some being sent by the glassblowers' association, and some by the Belgian consul, who complained bitterly of the treatment they received. The effect of their importation was the reduction of wages about 12 per cent. An injunction was issued against the American workmen from interfering with them and made perpetual by Judge Brown, of Baltimore. Before these men were imported we had as good a set of American workmen as could be found anywhere. The system in vogue in Europe and America differs materially. The Europeans work according to old methods and processes; in fact, they bring their tools and moulds with them. The European workman cannot turn out within 85 per cent. as much ware as the American workman, and as a result do not or are not able to fulfill their contract, hence the employers are at liberty to pay them what they please."

VAL HAAS, Baltimore, Md., W. G. W. A., said:

"The situation was misrepresented to them; some of them, when the exact situation was explained to them, quit. Two Germans who quit work were refused their clothes and were arrested. I have been called up at night by these men to explain to them the trouble, as we could not get near them or they near us, so that an understanding might be had. They were under constant police surveillance, and we were enjoined from interfering with them. These foreigners were natives of France, Belgium and Germany; they were brought in three different parties. In 1879, Baker Bros. brought forty-eight, and King & Bros. twenty-five. Baker Bros. brought a second lot of twenty-five, and King & Bros. and Swindell & Bros., twenty-three. Previous to this last importation there was no strike; some of these men are here yet, others have gone away. The effect has been a 12 per cent. reduction of wages."

CHARLES LEFFLER, Baltimore, Md., W. G. W. A., said:

"My statement is substantially the same as Messrs. Ashton and Haas. Mr. Swindell says he does not want the foreigners any more; they accomplished the object intended—the reduction of wages."

J. CAMPELL, of Pittsburgh, Pa., said:

"We have no objection to these men coming here voluntarily, but we object to them coming under contract, and to reduce American wages."

JOHN SCHLICKEK, of Pittsburgh, Pa., W. G. W. A., said:

"The difference in working in the glass industry in this country and Europe consists in the fact that there they have two factories and work eleven months a year. I have worked in glass works for 30 years and have not averaged eight months per year in that time. The difference in wages is not material, when all things are considered, between this country and Europe. *At Kent, Ohio, these imported men are working on Sunday.*"

FRED. TURNER, of Philadelphia, Pa., secretary of Knights of Labor, said:

"It is the universal sentiment that the bill of Mr. Foran should be passed. The importation of foreign workmen is getting as bad as that of the Chinese. We have not the slightest objection to

their voluntary coming. The African slave was better off than are these people under some of these contracts. The slave had some one to look after his welfare; these people have not. We present a petition to the committee containing 35,000 names of persons who pray for relief by the passage of a bill to remedy this matter."

FRANK PORTER, of Cambridge, Mass., cotton mill, said :

"I voice the sentiment of New England and ask that Mr. Foran's bill be passed. The manufacturers of New England have imported men, time after time, during strikes, from England, Ireland, Scotland, and Canada, whether under contract or not we are not able to prove, but we believe they were imported under contract. The Canadians, as a rule, do not become citizens, but return to Canada."

JOHN S. McCLELLAND, Hoboken, N. J., telegraph operator, said :

"I was one of the men who participated in the late strike of telegraph operators. The telegraph companies would have imported foreign telegraphers if they could have gotten them. They could not get them from England as there they are in Government service, and if they once leave, when they return they are forced to begin at the bottom."

F. C. MORGAN, of Washington, D. C., said :

"I saw an agent, when I was in Brazil, in 1879, trying to engage the natives of Brazil to come to the cotton fields of the United States. I do not know that he engaged any who went."

JOHN COSTELLO again said that these imported workmen signed contracts, waiving the benefits of the statutes of Pennsylvania, which were passed for the protection of workmen, and thereby in their ignorance injuring the workingmen and nullifying the salutary laws of Pennsylvania, which were enacted to protect the workmen from the avarice of greedy manufacturers.

*Copies of agreements with foreign workmen, executed in Belgium.*

No. 1.

(Original in English.)

Agreement made by and between the firm of Day, Williams & Co., of Kent, Ohio, of the first part, and each of the signers hereto of the second part, exactly as if a separate agreement were made between said firm and each of said signers.

Each of the signers of the second part agrees and promises to work for the said first party at the business of window glass making for the term of three (3) consecutive years beginning January 1, 1880, and to faithfully perform his duties; shall be paid the wages currently paid by the New York State manufacturers. Said first party agrees that the wages of each flattener shall be not less than at the rate of sixty (60) dollars per calendar month, and that the wages of each cutter shall be not less than at the rate of fifty (50) dollars per calendar month for work actually performed, or during the fire. It is agreed that said first party shall retain ten (10) per cent. of the wages of each and every workman until the expiration of this contract, as a guaranty of its faithful performance; said ten (10) per cent. to be forfeited by each and every workman who shall fail to perform the conditions of this contract. It is also agreed that said first party shall advance the passage money of the party of the second part to Kent, Ohio, and that in case any workman shall fail to perform the conditions of this contract, he shall repay to said first party the amount of said passage money. It is also agreed that said first party shall have the right to discharge any workman who shall neglect his work through drunkenness or idleness, or who shall attempt to create dissatisfaction among the workmen. The said Day, Williams & Co., its successors and assigns, however constituted, shall always be taken as the party of the first part.

Signed by said first party by its firm name and by each of the signers of the second party by his own name, as of this second day of December, 1879. It is agreed that the flatteners shall receive \$30 (thirty dollars) per month for all work done other than flattening.

DAY, WILLIAMS & CO.  
HENRY PIERRE.  
ADOLPH BRESSON.  
AUGUST COENEN.



## No. 2.

(Original in German.)

Agreement between the firm of Swindell Bros. of the first part, and John Schmidt, gatherer, and Carl Wagner, blower, of the second part.

The undersigned, of the second part, covenants and agrees with the party of the first part that they will for two consecutive years, beginning January 1st, 1882, work and duly perform such duties as instructed by the party of the first part, or his superintendents. The party of the first part covenants and agrees to pay the undersigned, who may duly perform their duties, the price generally paid by Baltimore manufacturers for the size of 16 by 24 inches, and all sheets shall be estimated at 8 sheet of 36 by 54 in. for 100 square feet. The party of the first part covenants and agrees that the wages of each glass blower shall be an average of \$80 per calendar month, on condition that he makes 180 boxes of 100 square feet per calendar month.

The gatherer shall receive 65 per cent. of the sum paid the blower for wages per calendar month for actual work performed during the fire. It is agreed that the party of the first part shall retain 10 per cent. of the wages of each and every workman until the expiration of this contract as a guarantee of the faithful performance of the provisions of this contract. The aforesaid 10 per cent. shall be forfeited by each and every workman who shall fail to comply with the provisions of this contract.

It is further agreed that the party of the first part shall advance the passage money of the parties of the second part.

It is further agreed that the party of the first part have the right to discharge any of the workmen for drunkenness, or neglect of duty, or for disturbing the peace, or creating dissatisfaction among them, or for joining any association of American workmen.

The said Swindell Bros., their heirs and assigns, shall be considered the parties of the first part, and they agree to pay each blower \$12 per week and the gatherer \$9 per week, on condition that each perform his work faithfully at every blowing. The parties of the first part agrees to make monthly settlements with the parties of the second part, after the advances for passage, &c., shall have been repaid. Provided you faithfully perform your work for the term of contract (two years), we will pay back the passage money from Europe to America.

Antwerp, Dec. 15, 1882.

SWINDELL BROS.,  
JOHANN SCHMIDT,  
*Gatherer.*

CARL WAGENER,  
*Blower.*

Notwithstanding the admitted necessity for the speedy passage of this bill the Senate failed to take action on it.

The bill relative to the Eight-hour act was amended and passed by the House. The Senate took no action. The other measures are on the calendar for consideration next session. At no session of Congress has so much attention been paid to measures for the benefit and protection of the wage worker of the country.

In contrast with the zeal of the Democratic House on Labor questions is the neglect and indifference of the Republican Senate; the failure of the 47th Congress to take action on labor measures; the utter disregard by the administration to enforce the plain mandates of the Eight-hour law; the failure to stop the importation of contract labor, and the opposition to the Chinese bill. The feeling of that party was shown by the act approved July 4, 1864, for which it is presumed Mr. Blaine voted, as there as there is no vote recorded against it. Concerning this act Mr. O'Neill, of Missouri, said, June 19, 1884:

"I wish now to refer to one of the curiosities of American legislation which has attracted my attention. In an act entitled "An act to encourage immigration," approved July 4, 1864, I find the following provisions:

*Be it enacted, &c.,* That the President of the United States is hereby authorized, by and with the advice and the consent of the Senate, to appoint a commis-



sioner of immigration, who shall be subject to the direction of the Department of State, &c.

The remainder of that section relates only to clerks, salaries, and tenure of office, but the second section is very interesting:

SEC. 2. *And be it further enacted*, That all contracts that shall be made by emigrants to the United States in foreign countries, in conformity to regulations that may be established by the said commissioner whereby emigrants shall pledge the wages of their labor for a term not exceeding twelve months, to repay the expenses of their emigration, shall be held to be valid in law, and may be enforced in the courts of the United States or of the several States and Territories; and such advances, if so stipulated in the contract, and the contract be recorded in the Recorder's office in the county where the emigrant shall settle, shall operate as a lien upon any land thereafter acquired, until liquidated by the emigrant, whether under the homestead law when the title is consummated, or on property otherwise acquired by the emigrant; but nothing herein contained shall be deemed to authorize any contract contravening the Constitution of the United States, or creating in any way the relation of slavery or servitude.

Why insert the words "creating in any way the relation of slavery or servitude" but for the reason that they well knew that it was a death blow aimed at American workmen at the instance of wealthy capitalists whose only excuse was their greed?

At a time when the Republican party was in full control of all branches of the Government it became a law, and is a pioneer work in encouraging the introduction of alien imported labor, to destroy American labor. And yet at the national convention recently held at Chicago they incorporated in their platform a provision condemning the importation of aliens under contract to perform labor in the United States. How consistent!

A MEMBER. What is the date of that act?

MR. O'NEILL, of Missouri. July 4, 1864; and I believe it remained a law for many years, though an appropriation could never be obtained to carry it into effect.

Now, the 4th of July was a patriotic day to plant in the statute books of this country the most infamous law that could be framed, and which meant no more than servitude, which meant to create a lien on everything that an unfortunate immigrant could acquire after he came here in response to their desire for cheap labor. I think it proper to refer to that, when I see this canting, hypocritical party now masquerading before the country as having been always the friend of labor! Heaven save workingmen from such friends, which even at this session, in the branch of legislation that they control, have emasculated the labor bureau bill demanded by every labor organization of the country.

What a contrast is presented in the present Democratic House, creating for the first time in Congress a distinct committee on labor, a majority of which committee I am proud to say are men who worked at the bench as mechanics, and who know from experience exactly what the workingmen of this country desire, and who have favorably reported back every measure demanded by the labor interests. They are not demagogues, as gentlemen on the other side would seem to intimate, and they tell you here to-day, sir, that while the constitutional lawyers in this House may find flaws in this bill the principle is right, and that it is exactly what the mechanics of this country ask for at your hands.

## THE CHINESE QUESTION.

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Party lines were not strictly adhered to in the consideration of the Chinese bill, but the record of the debates and votes in both the Senate and House shows the Democratic party is entitled to the chief credit for the earnest stand it made against the degradation of American labor and the impending danger to American society and theories of government.

The Republican sentimentalism upon this serious question, which should be considered from the standpoint of practical statesmanship, was expressed by Senator Hoar in his speech in the Senate March 1st, 1882.

He said :

"MR. PRESIDENT : A hundred years ago the American people founded a nation upon the moral law. They overthrew by force the authority of their sovereign, and separated themselves from the country which had planted them, alleging as their justification to mankind certain propositions which they held to be self evident.

"They declared—and that declaration is the one foremost action of human history—that all men equally derive from their Creator the right to the pursuit of happiness; that equality in the right to that pursuit is the fundamental rule of the Divine justice in its application to mankind; that its security is the end for which governments are formed, and its destruction good cause why governments should be overthrown.

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"The insertion of the phrase 'the pursuit of happiness,' in the enumeration of the natural rights for securing which government is ordained, and the denial of which constitutes just cause for its overthrow, was intended as an explicit affirmation that the right of every human being who obeys the equal laws to go everywhere on the surface of the earth that his welfare may require is beyond the rightful control of government. It is a birthright derived immediately from Him who 'made of one blood all nations of men for to dwell on all the face of the earth, and hath determined the times before appointed and the bounds of their habitation.' He made, so our fathers held, of one blood all the nations of men. He gave them the whole face of the earth whereon to dwell. He reserved for Himself by His agents heat and cold, and climate, and soil, and water, and land to determine the bonds of their habitation."

The Democratic doctrine was well expressed in the House on the 23d of March, by Mr. Tucker, of Virginia, who said :

"It is said by gentlemen here, and I heard the honorable gentleman from Iowa [Mr. Kasson] this morning say, that this bill was contrary to the great principles of American policy ; which is, to let everybody come at his pleasure to this 'land of the free and this home of the brave,' to this asylum for the oppressed and the downtrodden everywhere.

"Mr. Speaker, I have a proper sympathy with these sentiments, and while acceding much to them in our general policy, and giving large privilege to immigrants from other lands, yet when the right to come is claimed for them I protest against it as no part of our policy. I do not so read the Constitution of my country. Look at its preamble :

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish the Constitution for the United States of America.

"The men who formed that Constitution formed it for the people of the United States ; for the people of the several States who were united by the former articles of confederation, but who were to be continued in unity under this Constitution.

"Gentlemen quote Scripture for their purpose :

God hath made of one—

"That is the new translation contained in the Revision which was admitted free of duty the other day, and therefore I may so quote it as by authority of Congress—

"God hath made of one all the nations of men to dwell upon the face of the earth—

"Very well, that is all true ; but gentlemen forget to quote the remainder of the passage—

having determined their appointed seasons and the bounds of their habitation.

"What are these determined bounds ? Asia for the Mongolian and Semetic races ; Africa for the sons of Ham ; Europe for the Caucasians and America, thank God, for the great Caucasian family of nations. [Applause.]

"I hold that American statesmen to be the best humanitarian who is a legislator for our own country, who attends to the business and looks to the interests of our own people, and who strives for the preservation of the liberty and happiness and prosperity of the citizens of this great Union of States. [Applause.]

"And yet what is the doctrine we hear advocated on this floor ? It is that the Chinaman is the cheaper laborer, and therefore he should be allowed to come into this country and compete with our laborers. And gentlemen who hold to the doctrine (and I desire to call attention to this) that we ought to have a tariff high enough to protect the American laborer against the pauper laborer of Europe are instant in season and out of season in advocacy of a policy which would import millions of the poor laborers of China against whom our laborers at home must run the gauntlet of a destructive competition.

"With your leave, Mr. Speaker, I will present one other point and then close. This is a graver question than one merely of trade. It is a question of the permanence, the peaceful and loving permanence of the American Union. The States on the Pacific Coast, separated from us by the Rocky Mountains, are open to Asiatic immigration ; we on the Atlantic Coast are open to European immigration. Now, if these two tides of immigration are allowed to come in to an unlimited extent the effect will be that while we on the Atlantic Seaboard will be Caucasian in our civilization, the Pacific States will become Asiatic, and how can a union continue between States on the Pacific dominated by Asiatic ideas and States on the Atlantic dominated by the free principles of the Caucasian family ?" [Applause.]

Senator Maxey, of Texas, stated the case in the Senate on the 3d of March, as follows :

"Mr. President, I desire to place on record in a very few words the reasons which will control me in supporting the measure now before the Senate. I beg to say that in that vote I am not controlled or influenced by any ecstatic sentimentality or sublimated philanthropy which would cause me to welcome into this country consecrated to liberty regulated by law, and to Christian civilization, all the people of all climes and colors and of all nationalities, including Chinese, and without regard to their adaptability to our institutions and form of Government. My views have never extended that far, but rather I believed that—

If any provide not for his own, and specially for those of his own house, he hath denied the faith, and is worse than an infidel.

"I love my own country better than any other country, and my own race better than any other race," was the sentiment uttered by Mr. Clay, and it expresses precisely the views I entertain. I welcome cordially the Englishman, the Scotchman, the Irishman, the Frenchman, the German, and men of my own race and color whosoever dispersed around the globe. They come among us to enjoy the blessings of free government, and soon become part of us. They make valuable additions to the body politic, but I trust that the refuse and dregs of the countless hordes of China will never find a welcome here."

The Democratic doctrine upon this subject was further expressed by Senator Vest of Missouri, who said upon this floor of the Senate, April 27th, as follows :

"When the junior Senator from Massachusetts, [Mr. Hoar,] for whose learning and eloquence I have the greatest respect, (and I read his speech last night, for I was detained from the Senate at the time it was delivered ; I read it with great pleasure and great attention,) declares that this country is to become the great missionary station of the world, that the Declaration of Independ-



ence meant that our institutions were made not for Americans and for their descendants, but for the whole world to come here and take possession of this continent, bought with our blood and our treasure and that of our fathers, I deny the doctrine, æsthetical as it may be, and much as it appeals to the feeling of missionary Christianity among our people.

"Sir, this is a question of practical statesmanship. I am first for my own people against the world. I am first for the American system, which protects the labor and the interest of the American people before all others.

"What is this Chinese immigration? Are they citizens of the United States? Do they come here to meet the reciprocal obligation between our people and the Government to which they owe allegiance? I understand the doctrine of government is that government protects the citizen in life, liberty and property, and the citizen assumes the responsibilities and duties of allegiance to the government and a part in the government of the country itself. The greatest responsibility and the greatest duty of any dweller in these United States is his share in the Government and the legislation of this great country. Do the Chinese come here to share in these responsibilities? They are parasites, like those insects which fasten themselves upon vegetables or upon animals and feed and feed until satiety causes them to release their hold. They come to this country not to partake in the responsibilities of citizenship; they come here with no love for our institutions; they do not hold intercourse with the people of the United States except for gain; they do not homologue in any degree with them. On the contrary, they are parasites when they come, parasites while they are here, and parasites when they go.

\* \* \* \* \*

"Not in the learned and eloquent speech of the junior Senator from Massachusetts does he meet the proposition as I have put it. Nowhere in this whole debate in either House of Congress has the evidence been brought that the Chinese come here for any other purpose but to fatten upon the people of the United States and carry their plunder back with them. They are not of us; they are not with us. They cannot be made American citizens by any process known to our laws or even to the laws of God himself. They are made for a different destiny. They are crystallized in their habits, and their opinions.

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"Mr. President, for myself, when my people of the Pacific States, blood of my blood and bone of my bone, call to me, 'Deliver us from the body of this death, deliver us from this incubus and these fungi which are fastened upon us,' I shall not be deaf to the appeal. As Prentiss, of Mississippi, said once, 'I am first for my own hearth, then for my country, then my State, then for the Union, and then for the world.' Sir, in the concentric circles of the human heart comes at last the formation of a great Government and a great State. Take away the individuality, the home feeling, the home love of a man, and what is he? I oppose woman suffrage because it brings down the deity of home, woman, as wife and mother. I oppose it because it destroys all that is conservative and sacred in society.

"For the same reason, among others, I oppose Chinese immigration. They have no homes with us; they come here to carry back \$45,000,000 annually from the people of California, and leave behind them only the memory of their vile habits and their most infamous doctrines.

"To the thrifty German, the generous and gallant Celt, the hardy Scandinavian, to all who come to share the responsibilities and work out the problem of our civilization and destiny, to all who seek home and shelter in our vast domain, fling wide the portals; but to the people that come not for homes or shelter but only for gain, who have no share in our destiny, no love for our institutions, no reverence for our religion, we have the right to say, and do say, 'You have no lot or part in this great matter.'

In a speech in the Senate, April 25th, Senator Morgan (Democrat) said:

"There is no mere sentimentality on our side of this question. We are driven by facts which we cannot resist or avoid, to the conclusion that it has become a solemn necessity on our part to protect the Caucasian race on this continent against the intrusion of the Oriental people. We make no war against a man because he is black or white, or red, or yellow; because he speaks one dialect or another. Ours is the expression of a firm and solid conviction that the Government of the United States under its peculiar organism is designed for a higher class of intelligence and virtue than that which belongs to the people who are migrating to this country from Asia in such swarms. We believe in the sanctity of the patrimony handed down to us by our fathers. We believe in its value morally, socially, and materially. We believe that it is our right and privilege, in competition with the great race to which we belong, to move this continent and this hemisphere to the front of the advanced march of civilization in such manner as to add to the glorious renown which this people have already won in the history of mankind, and we do not wish nor do we propose to be obstructed in this career by the introduction of a class of men who have no claim upon us except upon some vagary of diseased and mawkish sensibility."



A more practical view was taken by the Democratic side. Mr. Flower (Dem.), of New York, pointed out the effect upon the laboring classes in the following language :

"When I hear Republicans who will go to the polls shouting protection to American industries; when I hear the men who boast of their kind patronage and fatherly protection to American labor; when I hear these men protest against a bill looking to the expulsion of pauper labor from our midst; when I hear them sound the trumpet of the coolie system and the principle of freedom together; when I see them attempting to deprive the American laborer of his employment by introducing a class of 'helots'; when I see them trying to drive our native born and adopted citizens from their vocations by the aid of mercenaries; when I see them advocating protection and at the same time importing labor machines free of duty, I can neither doubt their inconsistency nor trust their disinterestedness.

"The strongest instinct of the human race is self preservation. The next, love of offspring. When you ask men to cut off the comforts of their homes, to decrease the advantages their children enjoy, to go out and work in competition with a pauper or a slave, to welcome to their land of comfort and civilization a heathen coming to reduce them to his level, when you ask this in the name of liberty and equal rights you profane their names.

"Liberty and equal rights are liberty and equal rights of men, not of slaves, not of coolies. The freedom of an eating, drinking, opium smoking, working automaton is not the freedom which our citizens enjoy. The rights of a well-worked machine are not their rights; they have higher rights and broader liberties, and they use them. They have the chance of education and of promotion; they have the liberty of self protection against injustice. Ask them to weigh these rights, these liberties, these advantages against the hypocritical sentiment which would leave their lives one bitter, ceaseless struggle with starvation, and I am confident the veil will be torn from the idol, and the philanthropic schemer, unmasked, will stand out in his true colors. My vote shall go toward closing the gap between capital and labor on the American continent. The gap has become too broad already. I am in favor of any measure that will ameliorate and elevate labor, and I shall vote for this bill on that principle."

Mr. Curtin (Dem.), of Pennsylvania, also presented the Democratic view of the question from the standpoint of practical statesmanship. He said, in a speech delivered in the House, March 23, 1882 :

"Disgrace it as you will, conceal or cover it with the humanitarian principles underlying our structure of government, summon from the history of the past, as has been done on this floor during the long debate, the sublime utterances of the Continental Congress through the Declaration of Independence, what is the question we are to meet on our votes on this measure? It is sentiment and only sentiment; and it fades before the wonderful growth and changing interests of the country, its progress, its wealth, its great future, and the true logic of the necessities of the condition of our people and government now present, as did the silver tones of the great bell when the fathers of the Republic sealed their immortal fame in the declaration, and rung out the proclamation of liberty and equality to all humanity. And here we are in the presence of the question which, I repeat, is the protection of American labor. Do we prefer to have 100,000 Chinamen take the place of 100,000 American laborers, part and parcel of the body politic, owing allegiance to our Government, with the right of the ballot, insuring for their children our free education, and with American hopes and aspirations?"

"I say to my friends on the other side if you are in favor of protecting labor you now have the opportunity.

"It is said on this floor, and it is a sentiment which can bear repetition, that we opened the portals of our Government and invited the oppressed people of all the world to come here in peaceful approach and enjoy our true civil and religious liberty and the dead level of American social organization; and yet who would for a moment believe in that liberal declaration which is claimed in its behalf in this discussion.

"We would not suffer paupers or criminals or diseased people to come here to spread contagion or disturb us by crime in order to make this continent a great reformatory asylum, which it would become if the declarations of gentlemen on this floor were carried to their full and logical conclusions. We might reform such people and cure their diseases, but they might infuse their virus into the health and morality of the American people.

\* \* \* \* \*

"I have said, Mr. Speaker, that it is a common and favorite topic, however sincere, to speak of labor, and very much has been said of its power and its demands for just protection by and through the Government. This Government should give protection to the laboring classes in any

enactment of this Congress. The object of previous legislation has generally been the protection of capital, and the protection of their interests the incident. Sir, we have given away empires to corporations. We raise subsidies. We extend the credit of our Government to assist centralized and incorporated capital, and we protect the products of our own ingenuity and industry by imposing duties on foreign competition when we raise revenue. Of that I do not complain, because I know capital offers enterprises in which labor will find employment and pay. And, sir, if the centralization of power and of capital, which I must not think that American citizens look upon with satisfaction for the future of this country, and if we do not direct the legislation made to the protection of all classes engaged in and necessary to develop our resources in which capital is invited to active employment, we fail in our duty.

\* \* \* \* \*

"Now, sir, it is not likely to occur, but it is possible to bring 50,000 Chinamen from California and settle them down in Massachusetts, at Lowell or Lynn or Fall River or other enterprising towns, where they are as busy as bees in their productive industries, and thus displace 50,000 Massachusetts workmen and laborer. I apprehend the enlightened workmen who now make the flourishing cities I have mentioned so prosperous and yield such plentiful returns to the capital invested in their manufacturing establishments, I apprehend, sir, that strikes might be expected, and John Chinaman would not fare better, or as well, in the land and under the protection of the steady habits and exalted political ideas of the Puritan; and the violent denunciation of the enlightened Yankee orator would dwarf into harmless, inane prattle, the crude oratory of the shambles and the sand lots of California. [Laughter and loud applause.] Then, sir, they would scarcely entertain the sympathy that now goes out with such generosity, and in the expression of which their members on this floor are so eloquent, toned and beautified by the perfection of their language.

"If, then, the introduction of forty or fifty thousand Chinamen would interfere with the rights or the interests or happiness or ability to work in New England, where so much of their prosperity depends on labor, we have the right, nay, it is our duty, when the people of a great State, one of the great sovereignties which make up our Government, ask for relief, to grant it if in our power. If New England could not tolerate such an invasion, and the Chinamen in thousands should be carried to the South by capital, seeking cheap labor; or if he should go there to a climate adopted to his nature and work and production, in harmony with his life and teachings, what would become of the colored man, and what of the poor white man of that section? Who would inflict such a grievous wrong on the black man, the ward of the nation, and take from him the interests, the teachings, and sympathy of the white man, his real friend? Such a calamity is not to be for a moment contemplated to the colored man of this nation.

"I will most heartily give my vote for this bill; and accepting the principle as admitted by all the gentlemen who have discussed this question that we have the right to put a limitation on the immigration of the Chinese people under the treaty with that nation, a question I need not now discuss, I will vote for twenty years' suspension of immigration because, first, we assert the right; we believe the representations made by all the people of the Pacific coast to be true, and they are our own people, and as they are our best judges of the limitations as to time, I yield any judgment I might have to the better judgment of those who should understand this question. When we concede to their judgment we give it force and effect by our legislation in this Congress. [Great applause.]"

#### VOTE IN THE HOUSE.

The original bill suspending the immigration of Chinese laborers for a period of 20 years passed the House March 23 by the following vote.

The question was taken; and there were—yeas 167, nays 66; as follows:

#### YEAS—167.

\*Aiken,  
\*Aldrich,  
\*Armfield,  
\*Atkins,  
Bayne,  
Belford,  
\*Belmont,  
\*Berry,  
Bingham,  
\*Blackburn,  
\*Blanchard,  
\*Bliss,  
\*Blount,  
Brewer,  
Buckner,  
BURNOWS, Jos. H.

\*Davis, Lowndes H.  
De Motte,  
\*Denster,  
Dezendorf,  
\*Dibble,  
\*Dibrell,  
\*Dowd,  
\*Dugro,  
\*Ermentrout,  
Errett,  
Farwell, Chas. B.  
Finley,  
\*Fowler,  
Fond,  
\*Forney,  
Fulkerson, (Rendj.)  
\*Garrison,

\*Hutchins,  
JONES, GEORGE W.  
\*Jones, James K.  
Jorgensen,  
\*Keima,  
\*King,  
\*Klotz,  
\*Knott,  
LADD,  
\*Leedom,  
Lewis,  
Marsh,  
\*Martin,  
\*Matson,  
\*McClure,  
McCook,  
\*McKenzie,

\*Rosecrans,  
Scranton,  
Shallenberger,  
Sherwin,  
\*Simonton,  
\*Singleton, Otho R.  
Smith, A. Herr.  
Smith, Dietrich, C.  
Smith, J. Hyatt (Ind.)  
\*Sparks,  
Spaulding,  
\*Speer,  
\*Springer,  
\*Stockslager,  
Strait,  
\*Talbot,  
Thomas,

*Butterworth,	*Geddes,	*McKinley,	*Thompson, P. R.
*Cabell,	George,	*McLane,	*Tillman,
*Caldwell,	*Gibson,	*McMillin,	Townsend, Amos,
Calkins,	Guenther,	Miller,	*Townsend, R. W.
Campbell,	*Gunter,	*Mills,	*Tucker,
Cannon,	*Hammond,	*Money,	*Turner, Henry G.
*Cassidy,	*Hardy,	Morey,	*Turner, Oscar,
Caswell,	Harmer,	*Moulton,	Updegraph, J. T.
*Chalmers,	*Harris, Henry S.	Murch,	*Upson,
*Chapman,	HAZELTINE,	*Mutchler,	Valentine,
*Clark,	*Hatch,	O'Neill,	*Vance,
*Clements,	Hazleton,	Pacheco,	Van Horn,
*Cobb,	Heilman,	Page,	*Warner,
*Converse,	*Herndon,	Paul, (Readj.)	Washburn,
*Cook,	*Hewitt, Abram S.	Payson,	Webber,
Cornell,	Hill,	Peelle,	*Wellborn,
*Cox, Samuel S.	Hiscock,	*Phelps,	*Whitthorne,
*Cox, William R.	*Hoblitzell,	*Phister,	*Williams, Thomas,
*Covington,	*Hoge,	Pound,	*Willis,
*Cravens,	*Holman,	*Randall,	Willits,
*Culbertson,	Hor,	*Reagan,	*Wilson,
*Curtin,	Honk,	RICE, THERON M.	*Wise, George D.
Darrell,	*House,	*Richardson, Jno. S.	*Wise, Morgan D.
*Davidson,	Hubbell,	*Robertson,	Wood, Walter A.
Davis, George R.	Hubbs,	*Robinson, Wm. E.	

## NAYS—66.

Anderson,	Farwell, Sewell S.	Lord,	Skinner,
Barr,	Grout,	McCoid,	Spooner,
*Bragg,	Hall,	*Morse,	Stone,
Briggs,	Hammond, John,	Norcross,	Taylor,
Browne,	*Hardenbergh,	Orth,	Thompson, Wm. G.
Buck,	Harris, Benj. W.	Parker,	Tyler,
Camp,	Haskell,	Ranney,	Updegraff, Thomas,
Chandler,	Hawk,	Reed,	Urner,
Carpenter,	Henderson,	Rice, John B.	Wadsworth,
Chace,	Hepburn,	Rice, William W.	Wait,
Crapo,	*Hooker,	Rich,	Walker,
Cullen,	Humphrey,	Richardson, D. P.	Ward,
Dawes,	Jacobs,	Ritchie,	Watson,
Deering,	Jones, Phineas,	Robinson, Geo. D.	White,
Dingley,	Joyce,	Russell,	Williams, Chas. G.
Dunnell,	Kasson,	Ryan,	
Dwight,	Ketcham,	Shultz,	

The second bill, prepared after the President's veto, suspended the coming of Chinese laborers for 10 years. It passed the House April 17 by the following vote :

## YEAS—261.

*Aiken,	*Dibble,	*Kenna,	*Robinson, Wm. E.
Aldrich,	*Dibrell,	Ketcham,	*Rosecrans,
Anderson,	*Dowd,	*Klotz,	*Ross,
*Armfield,	Dunnell,	*Knott,	Russell,
*Atkins,	*Ermentrout,	Lacey,	Ryan,
Bayne,	Errett,	LADD,	Scranton,
*Beach,	*Evins,	*Latham,	*Shackelford,
Belford,	Farwell, Chas. B.	*Leedom,	Shallenberger,
*Berry,	*Finley,	*Le Fevre,	*Shelley,
Bingham,	Fisher,	Lewis,	Sherwin,
*Blackburn,	*Flower,	Lord,	*Simonton,
*Blanchard,	Ford,	*Manning,	*Singleton, Otho R.
*Bland,	*Forney,	Marsh,	Smith, A. Herr
*Blount,	Fulkerson, (Readj.)	Mason,	Smith, Dietrich C.
*Buchanan,	*Geddes,	*Matson,	Smith, J. Hyatt (Ind.)
*Buckner,	George,	McClure,	*Sparks,
Burrows, Julius C.	*Gibson,	McCook,	Spaulding,
Burrows, Jos. H.	Guenther,	*McKenzie,	*Speer,
Butterworth,	*Gunter,	McKinley,	Spooner,
*Cabell,	*Hammond, N. J.	*McLane,	*Springer,
*Caldwell,	*Hardy,	Miles,	Steele,
Calkins,	Harmer,	Miller,	Strait,
Camp,	*Harris, Henry S.	*Money,	*Talbot,
Campbell,	HAZELTINE,	Morey,	*Tilman,
Cannon,	Haskell,	*Morrison,	Townsend, Amos
*Carlisle,	*Hatch,	Mosgrove,	*Townsend, R. W.
*Cassidy,	Hawk,	*Moulton,	*Turner, Henry G.
Caswell,	Hazleton,	*Muldrow,	*Turner, Oscar
Chace,	Heilman,	Murch,	Tyler,
*Chalmers,	*Herbert,	Neal,	Updegraff, J. T.
*Chapman,	*Herndon,	*Nolan,	*Upson,
*Clardy,	*Hewitt, Abram S.	Oates,	Urner,

*Clark,	*Hewitt, G. W.	O'Neill,	Valentine,
*Clements,	Hill,	Pacheco,	*Vance,
*Cobb,	Hiscock,	Page,	Van Horn,
*Colerick,	*Hoblitzell,	Paul, (Readj.)	Wait,
*Converse,	*Hoge,	Payson,	*Warner,
*Cook,	*Holman,	Peelle,	Webber,
*Cox, Samuel S.	Horr,	Peirce,	*Wellborn,
*Covington,	Houk,	*Phelps,	West,
*Cravens,	*Houss,	Ponnd,	*Wheeler,
*Culbertson,	Hubbs,	Prescott,	White,
Cullen,	*Hutchins,	*Randall,	*Whitthorne,
*Curtin,	Jacobs,	*Reagan,	*Williams, Thomas
Darrell,	Jadwin	Reed,	*Willis,
*Davidson,	JONES, GEORGE W.	Rice, THERON M.	*Willits,
Davis, George R.	*Jones, James K.	Rich,	*Wise, George D.
*Davis, Lowndes H.	Jones, Phineas	*Robertson	*Wise, Morgan R.
De Motte,	Jorgensen,	Robeson,	
*Denster,	Kasson,	Robinson, Geo. D.	
Dezendorf,	Kelly	Robinson, James S.	

## YEAS—37.

Bowman,	Farwell, Sewell S.	Norcross,	Stone,
*Bragg,	Grout,	Orth,	Thompson, Wm. G.
Briggs,	Hall,	Parker,	Van Aernam.
Buck,	Hammond, John	Ranney,	Van Voorhis,
Carpenter,	*Hardenbergh,	Ray,	Wadsworth,
Crapo,	Humphrey,	Rice, John B.	Ward,
Dawes,	Joyce,	Rice, William W.	Williams, Chas. G.
Deering,	McCoid,	Ritchie,	
Dingley,	Moore,	Shultz,	
Dwight,	*Morse,	Skinner,	

The first bill, suspending Chinese immigration for twenty years, passed the Senate March 9th, as follows:

## YEAS—29.

*Bayard,	*Garland,	Jones of Nevada,	Teller,
*Beck,	*George,	Miller of Cal.,	*Vance,
*Call,	*Gorman,	Miller of N. Y.,	*Vest,
Cameron of Wis.,	Hale,	*Morgan,	*Voorhees,
*Cockrell,	*Harris,	*Pugh,	*Walker.
*Coke,	Hill of Colorado,	*Ransom,	
*Fair,	*Jackson,	Sawyer,	
*Farley,	*Jonas,	*Slater,	

## NEAS—15.

Aldrich,	Conger.	Frye.	McDill.
Allison,	*Davis of Illinois,	Hoar,	McMillan,
Blair,	Dawes,	Ingalls,	Morrill.
*Brown,	Edmunds,	Lapham,	

The second bill, suspending it for ten years, passed the Senate April 28th, as follows:

## YEAS—32.

*Beck,	*Farley,	*Johnston,	*Pugh,
*Butler,	*Garland,	*Jonas,	Saunders,
*Call,	*George,	Jones of Nevada,	*Slater,
Cameron of Wis.,	Grover,	*Maxey,	*Vance,
Chilcott,	Hale,	Miller of Cal.,	Van Wyck,
*Coke,	*Hampton,	Miller of N. Y.	*Vest,
*Davis of Illinois,	*Harris,	*Morgan,	*Walker,
*Fair,	Hill of Colorado,	*Pendleton.	*Williams.

## NEAS—15.

Allison,	Edmunds,	Hoar,	Morrill,
Blair,	Frye,	Ingalls,	Platt,
Conger,	Harrison,	Lapham,	Sherman.
Dawes,	McMillan.	McMillan,	

During the present Congress, on the 3d of May, 1884, the House having under consideration a bill to amend the law of March 6th, 1882, Mr. Lamb (Democrat), of Indiana, said:

There is a record, Mr. Chairman, upon this question, not only of individuals, but a record of parties as well. Much has been said about the Democratic party being a party of free trade, as was said so forcibly by my colleague from Indiana a while ago. I am proud to say that no single Democrat upon this floor has lifted his voice to-day in behalf of the pauper labor of China and



against the interests of the free labor of America. I am glad that the opposition comes from that side of the House which pretends always to protect the interests of the American laborer. And may I not be pardoned for asking the gentlemen who for the past two weeks have with loud voices and unmeasured tones denounced my side of the Chamber because of their wishing, as they allege, to break down American labor to the depths of degradation of the pauper labor of Europe—I say may I not be pardoned if I ask them whether they are in earnest, or whether it is not their endeavor to protect capital alone? \* \* \* \* \* When this legislation was before Congress two years ago—and I have the record here before me—sixty-six Republicans, sixty-six members of the other side of the House who stand here pretending to protect American labor, voted against that bill. When the bill to limit immigration for ten years was before the House, thirty-seven members of the House voted against that bill, and of that number thirty-four were Republicans, and but three Democrats. Upon this proposition, then, as to whether my party is in favor of free trade, in favor of placing the labor of America upon a level with the pauper labor of Europe, I am willing to be judged by the record.

The vote on this bill was as follows:

## YEAS—184.

Alken,	Boyle,	Caldwell,	Collins,
Alexander.	<i>Brainerd.</i>	<i>Campbell, J. M.</i>	Connolly,
<i>Atkinson,</i>	Breckinridge.	Candler,	Converse,
Bagley,	<i>Brown, W. W.</i>	Carleton,	Cook,
Barksdale,	<i>Brumm,</i>	Cassidy,	Cosgrove,
<i>Bayne,</i>	Buchanan,	Clardy,	Cox, S. S.
Beach,	Buckner,	Clay,	Crisp,
Blanchard,	Budd,	Clements,	Culberson, D. B.
Bland,	Burnes,	Cobb,	<i>Cullen,</i>
<i>Cutcheon,</i>	Henly,	Money,	<i>Steele,</i>
Dargan,	<i>Hepburn,</i>	Morgan,	<i>Stephenson,</i>
<i>Davis, G. R.</i>	Herbert,	Morrison,	Stewart, Charles
Deuster,	Hewitt, G. W.	Murphy,	Stockslager,
Dibble,	Hill,	Murray,	<i>Strait</i>
Dibrell,	<i>Hiscock,</i>	Necce,	<i>Struble,</i>
Dockery,	Holman,	<i>Nulling,</i>	Sumner, C. A.
Dowd,	<i>Holmes,</i>	Oates,	Sumner, D. H.
<i>Dunham,</i>	Hopkins,	O'Neill, J. J.	Taylor, J. M.
Dunn,	<i>Horr,</i>	Paige,	Throckmorton,
Eaton,	<i>Houk,</i>	Patton,	Tillman,
Elliot,	Houseman,	Pierce,	Tully,
<i>Ellwood,</i>	Hurd,	Peel, S. W.	Turner, H. J.
Ermentrout,	<i>Jeffords,</i>	<i>Peele, S. J.</i>	Turner, Oscar
Evins, J. H.	Jones, B. W.	<i>Pettibone,</i>	Van Alstyne,
Ferrell,	Jones, J. H.	Post,	Vance,
Fiedler,	King,	Pryor,	Van Eaton,
Finerty,	<i>Lacey,</i>	Pusey,	<i>Wakefield,</i>
Follett,	Lamb,	Randall,	Ward,
Foran,	Lanham,	Rankin,	Warner, Richard
Forney,	<i>Lawrence,</i>	Reese,	<i>Weaver,</i>
Fyan,	LeFevre,	Robertson,	Weilborn,
Garrison,	Lewis,	<i>Robinson, J. S.</i>	Weller,
<i>George,</i>	Lovering,	Rogers, J. H.	Wemple,
Gibson,	Lowry,	Rogers, W. F.	<i>White, Milo</i>
Glascok,	McAdoo,	Rosecrans,	<i>Whiting,</i>
<i>Goff,</i>	<i>McCoid,</i>	<i>Rowell,</i>	Wilkins,
Graves,	<i>McComas,</i>	Scales,	Williams,
Green,	<i>McCormick,</i>	Seney,	Willis,
Greenleaf,	<i>McKinley,</i>	Seymour,	<i>Wilson, James</i>
<i>Guenther,</i>	McMillin,	Shaw,	Wilson, W. L.
Halsell,	Matson,	Shelley,	Winans, E. B.
Mammond,	Maybury,	Singleton,	Winans, John
Hancock,	Miller, J. F.	Skinner, T. G.	Wise, G. D.
Hardeman,	<i>Miller, S. H.</i>	Slocum,	Wolford,
Hatch, W. H.	<i>Millikin,</i>	<i>Smith,</i>	Worthington,
<i>Henderson, D. D.</i>	Mitchell,	Springer,	Yaple.

## NAYS—13.

Adams, G. E.	<i>Henderson, T. J.</i>	<i>Price,</i>	<i>Spooner.</i>
Brewer, F. B.	Hitt.	<i>Rice,</i>	
<i>Browne, T. M.</i>	Kean.	<i>Skinner, C. R.</i>	
Everhart,	Lyman.	<i>Smalls,</i>	

The bill was ordered by the Committee on Foreign Affairs of the House, *by a party vote*, to be reported favorably, and the Record shows that every voice raised against the bill and every vote cast against it was Republican. Its fate in the Senate was exceedingly dubious until the necessities of the campaign rendered its passage absolutely essential.

## Protection of Personal Liberty.

### Republican Tendencies.

A political party whose tendencies are toward centralization and imperialism in affairs of state and officiousness in the private business affairs of the people, naturally seeks to regulate their morals by sumptuary legislation instead of leaving them where they properly belong, to social and religious influences. They seem to forget that church and state have been permanently divorced, for their obnoxious legislation is based upon the ancient theory of government. They not only attempt, through State laws, to regulate the appetites and tastes of the people, but even invoke the strong arm of the federal government for similar purposes.

In illustration of this tendency we refer to a few recent attempts.

In January, 1876, a bill to provide a commission on the subject of alcoholic liquor traffic was passed in the Senate by a vote of—yeas, 37 Republicans and 1 Democrat; nays, 20 Democrats. Mr. Logan voted aye.

In January, 1878, Mr. Blair (Republican) offered a constitutional amendment forbidding the manufacture, sale or importation of alcoholic liquors in the United States.

In March, 1879, a bill to appoint a commission of five persons to investigate the alcoholic liquor-traffic, principally in its relations to revenue, and also as to taxation and its general economic and scientific aspects in connection with the public health and general welfare of the people, was passed in the Senate by a vote of—ayes, 28 Republicans and 1 Democrat; noes, 19 Democrats.

On the 6th of February, 1882, Mr. Joyce (Republican) moved in the House of Representatives that the rules be suspended, and the following bill be taken up out of order and passed:

#### Mr. Joyce's Bill.

*Be it enacted, etc.,* That there shall be appointed by the President, by and with the advice and consent of the Senate, a commission of five persons, not all of whom shall be advocates of prohibitory liquor laws, and neither of whom shall be the holder of any office of profit or trust in the General Government or any State government. The said commissioners shall be selected solely with reference to personal fitness and capacity for an honest, impartial, and thorough investigation, and shall hold office until their duties shall be accomplished, but not to exceed two years. It shall be their duty to investigate the alcoholic, fermented, and vinous liquor traffic and manufacture with reference to revenue and taxation, and the effect of each class of such liquors in their economic, criminal, moral, and scientific aspects in connection with pauperism, crime, social vice, the public health, and general welfare of the people; and also to inquire into the practical results of taxation and license, and of restrictive legislation for the prevention of intemperance in the several States, Territories, and District of Columbia.

SEC. 2. That the said commissioners shall further ascertain, as near as may be, the number of gallons of wine, beer, or distilled liquors annually consumed in different countries, more especially within the United States; the number of deaths annually from alcoholism, the number and character of crimes resulting from the use of alcoholic and malt liquors; and the diseases produced by the use thereof, mental as well as physical; the number of arrests for drunkenness; the amount of pauperism produced by the use of such liquors; the amount of revenue received by the Government from the liquor traffic and liquor making; the amount of tax or revenue received from such manufacturing and traffic by State and municipal governments; the amount of food transformed into alcohol; the probable retail cost of alcoholic and malt liquors consumed; the cost of caring for the insane, idiotic, criminals, and paupers made such by the use of alcoholic and malt liquors; the capital employed in the manufacture of such liquors and in the traffic thereof; the quantity of such liquors imported and exported; the number of persons employed in the manufacture and sale of such liquors.

SEC. 3. That the said commissioners shall serve without salary, but are hereby authorized to employ a secretary at a reasonable compensation, not to exceed \$2,500 per annum, which, with the necessary expenses, incidental to such investigation, of the secretary and commissioners, shall be paid, out of any money in the Treasury not otherwise appropriated, upon vouchers signed by the president and countersigned by the secretary, and approved by the Secretary of the Treasury; and the sum of \$10,000, or as much thereof as may be necessary, is hereby appropriated to pay such vouchers.

SEC. 4. That said commissioners shall, as soon after their appointment as is convenient, meet and organize by the election of one of their number as president of such board, and they shall also elect a secretary, as hereinbefore provided, who shall take the usual oath of office, and give a bond to the Secretary of the Treasury of the United States in the penal sum of \$3,000 for the faithful performance of the duties of his office, which bond and the sureties thereon shall be approved by such Secretary of the Treasury.

SEC. 5. That it shall be the further duty of said commissioners to report the result of their investigations and the expenses attending the same to the President, to be by him transmitted to Congress.

The question was taken and there were—yeas 112, and nays 98, as follows :

YEAS—112.

Bayne,	Hammond, John,	Miller,	*Simonton,
Belford,	HASELTINE,	Moore,	Skinner,
*Beltzhoover,	Haskell,	Neal,	Smith, A. Herr,
Bowman,	Hawk,	O'Neil,	Smith, Dietrich C.
Briggs,	Hazelton,	Orth,	Smith, J. Hyatt, Ind.
Browne,	Heilman,	Pacheco,	Spaulding,
Buck,	Henderson,	Page,	Spooner,
Burrows, Julius C.	Hepburn,	Parker,	Steele,
Camp,	Hiscock,	Payson,	Strait,
Candler,	Horr,	Peele,	Taylor,
Cannon,	Houk,	Pierce,	Thompson, Wm. G.
Carpenter,	Hubbell,	Pettibone,	Tyler,
Caswell,	Hubbs,	Pound,	Updegraff, J. T.
Chace,	Humphrey,	Ranney,	Urner,
Crapo,	Jacobs,	Ray,	Valentine,
*Culbertson,	Jadwin,	Reed,	*Vance,
Cullen,	*Jones, James K.	Rice, William W.	Van Aernam,
Dawes,	Jones, Phineas,	Rich,	Van Voorhis,
Deering,	Jorgenson,	Richardson, D. P.	Wadsworth,
De Motte,	Joyce,	Ritchie,	Wait,
Dingley,	Kelley,	Robeson,	Ward,
Dunnell,	Lacey,	Robinson, James S.	Washburn,
Farwell, Sewell S.	LADD,	Russell,	Watson,
Fisher,	Lindsey,	Ryan,	Webber,
FORD,	Lord,	Scranton,	West,
George,	Marsh,	Shallenberger,	Williams, Chas. G.
Godshalk,	McClure,	Sherwin,	Willits,
Grout,	McKinley,	Shultz,	Wood, Walter A.

## NAYS—98.

*Aiken,	*Cook,	*Holman,	*Scales,
*Armfield,	*Cravens,	*House,	*Shelley,
*Atherton,	Davis, George R.	JONES GEORGE W.	*Singleton, Jas. W.
*Atkins,	*Davis, Lowndes H.	*Kenna,	*Singleton, Otho R.
*Barbour,	*Duester,	*Klotz,	*Sparks,
*Belmont,	*Dibble,	*Knott,	*Speer,
*Berry,	*Dibrell,	*Latham,	*Springer,
*Black,	*Dowd,	*Le Fevre,	*Stockslager,
*Blackburn,	*Ermentrout,	*Manning,	*Thompson, P. B.
*Blanchard,	*Evins,	*Martin,	*Tillman,
*Bland,	*Finley,	*Matson,	*Tucker,
*Blount,	*Forney,	*McKenzie,	*Turner, Henry G.
*Bragg,	Fulkerson, (Readj.)	*McLane,	*Turner, Oscar,
*Buchanan,	*Geddes,	*McMillin,	*Upson,
*Buckner,	*Gibson,	*Mills,	*Warner,
*Caldwell,	*Guenther,	*Money,	*Wellborn,
*Carlisle,	*Hammond, N. J.	*Morrison,	*Wheeler,
*Cassidy,	*Hardenberg,	*Muldrow,	*Whitthorne,
*Chapman,	*Hatch,	*Oates,	*Williams, Thomas,
*Clardy,	*Herbert,	*Phelps,	*Willis,
*Clark,	*Herndon,	*Phister,	*Wilson,
*Clements,	*Hewitt, Abram S.	*Reagan,	*Wise, George D.
*Cobb,	*Hewitt, G. W.	*Richardson, Jno. S.	Young.
*Colerick,	*Hoblitzell,	*Robinson, Wm. E.	
*Converse,	*Hoge,	*Rosecrans,	

Of which 105 Republicans voted in the affirmative, and 94 Democrats in the negative.

## The Iowa Liquor Law.

The tendency of sumptuary legislation is toward officiousness and tyranny, as may be seen from a perusal of the new liquor law of Iowa :

A bill for an act to amend chapter 6, title 11 of the Code, relating to intoxicating liquors, and to provide additional penalties for violations of the provisions of said chapter, and the amendments thereto.

*Be it enacted by the General Assembly of the State of Iowa :*

SECTION 1. That section 1525 of the Code be and the same is hereby repealed, and the following enacted in lieu thereof :

SEC. 1525. Every person who shall manufacture any intoxicating liquors, as in this chapter prohibited, shall be deemed guilty of a misdemeanor, and upon his first conviction for said offense, shall pay a fine of two hundred dollars and costs of prosecution or be imprisoned in the county jail not to exceed six months ; and on his second, and every subsequent conviction for said offense, he shall pay a fine of not less than five hundred dollars nor more than one thousand dollars and costs of prosecution, and be imprisoned in the county jail one year.

SEC. 2. That section 1526 of the Code of 1873 be, and is hereby re-enacted and amended by inserting the word "to," and before the words "buy and sell intoxicating liquors," the words "manufacture or."

SEC. 3. That section 1527 of the Code be, and the same is hereby amended by inserting after the words "desires to," and before the words "sell said liquors," in the third line of said section the words "manufacture or."

SEC. 4. That section 1528 of the Code be, and the same is hereby amended by adding thereto the words : provided, that in case of a permit to manufacture intoxicating liquors, the penalty of the bond shall be five thousand dollars.

SEC. 5. That section 1531 of the Code be, and the same is hereby amended, by inserting in the second line thereof, after the words "may be," the words "manufactured or."

SEC. 6. That section 1535 of the Code be, and the same is hereby amended, by inserting after the words "record of," in the fourth line, the words "manufacture or."

SEC. 7. That section 1537 of the Code be, and the same is hereby amended by adding thereto the words "and the provisions of this section shall apply to persons holding a permit to manufacture intoxicating liquors, so far as the same relates to the report ;



and any such manufacture shall, within the time specified for parties holding a permit to sell, also report the quantity and kind of liquors by him manufactured since the date of his last report, and also the quantity and kinds of liquors sold by him, and for what purpose, and to whom sold."

SEC. 8. That section 1558 of the Code be and the same is hereby repealed, and the following enacted in lieu thereof:

SEC. 1538. Any person having such permit who shall sell intoxicating liquors at a greater profit than is herein allowed, shall be liable to treble damages, to be recovered by civil action in favor of the party injured; and any person holding a permit, either to manufacture or sell, who shall fail to make monthly returns as herein required, or within fifteen days thereafter, or who shall make a false return shall forfeit for each offense the sum of \$100, to be recovered in the name of the State of Iowa, upon the relation of any citizen of the county by civil action on his bond with costs, and one-half of the sum recovered shall go to the informer, and one-half shall go to the school fund of the county.

SEC. 9. That section 1539 of the Code be, and is hereby amended by adding thereto the following, to wit: One-half of the amount so recovered shall go to the informer, and the other half shall go to the school fund of the county.

SEC. 10. That section 1540 of the Code be repealed, and the following enacted in lieu thereof:

"SEC. 1540. If any person not holding such a permit, by himself, his clerk, servant, or agent, shall for himself, or any person else, directly or indirectly, or on any pretense, or by any device, sell, or in consideration of the purchase of any other property, give to any person any intoxicating liquors, he shall, for the first offense, be deemed guilty of a misdemeanor, and on conviction for said first offense shall pay a fine of not less than \$50 or more than \$100 and costs of prosecution, and stand committed to the county jail until such fine and costs are paid; for the second and every subsequent offense he shall pay, on conviction thereof, a fine of not less than \$300 nor more than \$500, and costs of prosecution, and be imprisoned in the county jail not to exceed six months. All clerks, servants and agents of whatever kind, engaged or employed in the manufacture, sale, or keeping for sale in violation of this chapter, of any intoxicating liquor, shall be charged and convicted in the same manner as principals may be, and shall be subject to the penalties herein provided. Indictments and informations for violations under this section may allege any number of violations of its provisions by the same party, but the various allegations must be contained in separate counts, and the person so charged may be convicted and punished for each of the violations so alleged as on separate indictments or informations, but a separate judgment must be entered on each count on which a verdict of guilty is rendered. The second and subsequent convictions mentioned in this section shall be construed to mean convictions on separate indictments or informations. And in default of the payment of the fines and costs provided for the first conviction under this section, the person so convicted shall not be entitled to the benefit of chapter 47, title 25 of this Code, until he shall have been imprisoned 60 days."

SEC. 11. That section 1542 of the Code be repealed and the following enacted in lieu thereof:

SEC. 1542. No person shall own, or keep, or be in any way concerned, engaged or employed in owning or keeping any intoxicating liquors with intent to sell the same within this State, or to permit the same to be sold therein in violation of the provisions hereof, and any person who shall so own or keep, or be concerned, engaged, or employed in owning or keeping such liquors with any such intent, shall be deemed, for the first offense, guilty of a misdemeanor; and on conviction for said first offense shall pay a fine of not less than fifty nor more than one hundred dollars and costs of prosecution, and shall stand committed to the county jail until such fine and costs are paid, and in default of such fine and costs, he shall not be entitled to the benefits of chapter forty-seven, title twenty-five of the code, until he shall have been imprisoned sixty days; for the second and every subsequent offense he shall pay a fine of not less than three hundred dollars nor more than five hundred, or be imprisoned in the county jail not more than six months, or by both such fine and imprisonment in the discretion of the court. And upon trial of every indictment or information of violations of the provisions of this section, proof of the finding of the liquor named in the indictment or in the information, in the possession of the accused in any place except his private dwelling-house, or its dependencies, or in such dwelling-house or dependencies, if the same is a tavern, public eating house, grocery, or other place of public resort, or in unusual quantities in the private dwelling-house or its dependencies of any person keeping a tavern, public eating house, grocery, or other place of public resort in some other place, shall be received and acted upon by the court as presumptive evidence that such liquor was kept or held for sale contrary to the provisions thereof.

SEC. 12. That section 1543 of the Code be and the same is hereby repealed and the following enacted in lieu thereof:

"SEC. 1543. In cases of violation of the provisions of either of the three preceding sections, or of section 1525 of this chapter, the building or erection of whatever kind, or the ground itself, in or upon which such unlawful manufacture, or sale, or keeping, with intent to sell, use or give away, of any intoxicating liquor is carried on, or continued, or exists, and the furniture, fixtures, vessels, and contents, is hereby declared a nuisance and shall be abated as hereinafter provided, and whoever shall erect or establish, or continue, or use any building, erection, or place for any of the purposes prohibited in said sections shall be deemed guilty of a nuisance, and may be prosecuted and punished accordingly, and upon conviction shall pay a fine of not exceeding \$1,000 and costs of prosecution, and stand committed until the fine and costs are paid; and the provision of chapter 47, title 25 of this Code shall not be applicable to persons committed under this section. Any citizen of the county where such nuisance exists, or is kept or maintained, may maintain an action in equity to abate and perpetually enjoin the same, and any person violating the terms of any injunction granted in such proceedings, shall be punished as for contempt by a fine of not less than five hundred nor more than one thousand dollars, or by imprisonment in the county jail not more than six months, or by both such fine and imprisonment in the discretion of the court.

SEC. 13. That section 1551 of the Code be, and the same is hereby amended by adding thereto the following: "Every peace officer shall give evidence when called upon, of any facts within his knowledge, tending to prove a violation of the provisions of this chapter, but his evidence in no case shall be used against him in any prosecution against him for a violation of the provisions of this chapter."

SEC. 14. That section 1553 of the Code be and the same is hereby repealed and the following enacted in lieu thereof:

SEC. 1553. If any express company, railway company, or any agent, or person in the employ of any express company or railroad company, or if any common carrier, or any person in the employ of any common carrier, or if any other person shall knowingly bring within this State for any other person or persons, or corporation, or shall transport between points within this State for any other person or persons, or corporation, any intoxicating liquors, without first having been furnished with a certificate from and under the seal of the county auditor of the county to which said liquor is to be transported or is consigned for transportation, certifying that such consignee or person, for or to whom said liquor is to be transported, is authorized to sell such intoxicating liquors in such county, such company, corporation, or persons so offending, and each of them, and any agent of such corporation or company so offending shall, upon conviction thereof, be fined in any sum not exceeding \$100 for each offense and shall stand committed to the county jail until such fine and the costs of prosecution are paid, and one half of the fine shall go to the informer and the other half shall go to the school fund of the county; and provided further, that the offense herein defined shall be held complete, and shall be held to have been committed in any county of the State through or to which said intoxicating liquors are transported, or in which the same are loaded for transportation; provided further, that it shall be the duty of the several county auditors of this State to issue the certificate herein contemplated to any person having such permit, and the certificate so issued shall be truly dated where issued, and shall specify the date at which the authority or permit expires, as shown by the county records.

SEC. 15. Every person who shall, directly or indirectly, keep or maintain by himself, or by associating or combining with others, or who shall in any manner aid, assist, or abet, in keeping or maintaining any club-room, or other place in which intoxicating liquors is received or kept for the purpose of use, gift, barter or sale, or for distribution or division among the members of any club or association by any means whatever, and every person who shall use, barter, sell or give away, or assist or abet another in bartering, selling or giving away any intoxicating liquors as received or kept, shall be deemed guilty of a misdemeanor, and upon conviction therefor shall be punished by a fine of not less than \$100 nor more than \$500, or by imprisonment in the county jail not less than thirty days nor more than six months.

SEC. 16. All statutes and acts and parts of acts inconsistent with the provisions of this chapter as hereby amended, are hereby repealed; provided, however, that this repeal shall not affect any act done, any right accruing or which has accrued or been established, nor any suit or proceeding had or commenced in any civil cause before the time such repeal takes effect, and no offense committed, nor penalty or forfeiture incurred, and no suit or prosecution pending when the repeal takes effect, for an offense committed or for the recovery of a penalty or forfeiture incurred, shall be affected by this repeal and the

provisions of section 1555 as amended and substituted by the act of this general assembly, approved March 4, 1884, shall apply and have relation to the provisions of this Code as herein amended and all the penalties as herein provided, shall be held to apply to intoxicating liquors as defined in said act of March 4, 1884.

### Mr. Blaine's Sentiments.

Mr. Blaine's sentiments on this question may be seen from the following letter by Neal Dow to Rev. C. Clark, editor of a prohibition newspaper in New Jersey :

DEAR SIR : Your note of the 4th instant has just reached me. In answer to your inquiry I say : I have had many letters from different parts of the country making inquiries about Mr. Blaine. My reply has been that he has always been a friend of the Maine law and has many times rendered important service to it. He is in favor of the proposed constitutional amendment and will vote for it. He is also a teetotaler and has been so several years.

The Republican party of Maine has always made prohibition a part of its platform and conceded to the people at the last Legislature an opportunity to vote on the question of constitutional prohibition, as it is the undoubted right of the people to do. The temperance men of Maine, therefore, may properly be loyal to the party which has a just claim to their support. But outside of this State, Vermont, Kansas and Iowa, the Republican party has no claim whatever upon temperance men for help at the ballot box.

We, the temperance men of Maine, are firm in the conviction that our object, the prohibition and suppression of the liquor traffic, can never be attained except by independent political action. The sooner that policy is resorted to and vigorously pursued the sooner we shall win.

Respectfully,

NEAL DOW.

PORTLAND, Me., July 8, 1884.

### Democratic Principles.

The Democratic party favors the largest personal liberty compatible with the welfare of the State, and leaves the regulation of appetites to moral and religious influences, believing those agencies are the most effective and the most in harmony with the principles of free government.

It therefore approves and indorses the action of those citizens who recently organized a National Protective Association to protect their personal liberties from officious and undemocratic infringement, and who expressed their protest in the following platform :

We hold that the constitution of the United States, based on the declaration of independence, guarantees the enjoyment of personal, civil, and religious liberty and the pursuit of happiness, and warrants the enactment of no laws which seek to abridge or restrict the same; that all existing prohibitory laws or contemplated legislation, which tend to abridge personal rights, are tyrannical infringements on constitutional guarantees, and should be respectively repealed and opposed; that all Sunday laws which abridge religious liberty and prevent the working classes from enjoying the public libraries, museums, art galleries, and public parks, are tyrannical and unjust, and should be repealed, for Sunday was made for man, and not man for Sunday; that the "public school system" is the bulwark of our institutions, and must be kept clear and free from all sectarian influence and interference; that all organized ecclesiastical interference in civil affairs is in violation of the spirit and letter of the constitution, the genius of American institutions, and is demoralizing and pernicious, and must be restrained; that all private and corporate property, whether real or personal, should bear the burdens of taxation equally.



# Protection of American Citizens Abroad.

## Republican Neglect.

During Mr. Blaine's administration of the State Department in 1881, the Republican neglect of citizens abroad called for a stinging rebuke from Democratic leaders.

Early in that year the history that preceded the war of 1812 began boldly to repeat itself. American citizens temporarily resident in Ireland were thrown into prison under the infamous "Coercion Act" of Great Britain. These men were convicted of no crimes; they were simply *suspected* of sympathy with the cause of Ireland. Vain efforts were made by individual friends and by societies to have positive and effective action taken by our Government on behalf of these unfortunate persons.

The law upon this subject is as follows :

SECTION 2,000, REVISED STATUTES. *All naturalized citizens of the United States while in foreign countries are entitled to and shall receive from this Government the same protection of persons and property which is accorded to native-born citizens.*

Sec. 2,001. Whenever it is made known to the President that any citizen of the United States has been unjustly deprived of his liberty by or under the authority of any foreign government, it shall be the duty of the President forthwith to demand of that government the reasons of such imprisonment; and, if it appear to be wrongful and in violation of the rights of American citizenship, the President shall forthwith demand the release of such citizen; and if the release so demanded is unreasonably delayed or refused, the President shall use such means, not amounting to acts of war, as he may think necessary and proper to obtain or effectuate the release; and all the facts and proceedings relative thereto shall, as soon as practicable, be communicated by the President to Congress.

Notwithstanding this sacred obligation the neglect assumed alarming proportions.

The principal cases were those of O'Mahoney, McSweeney, Boynton, O'Connor, Walsh, McEnery, Hart, Daly, White, and McCormack.

### Case of O'Mahoney.

Henry O'Mahoney was imprisoned under the coercion act June 4, 1881. He presented his case to Mr. Lowell, U. S. Minister to London, asking him to procure him a speedy trial or liberation. To this request Mr. Lowell, while *acknowledging his title to citizenship*, regardless of the plain and mandatory words of section 2000 R. S., above quoted, replied in effect that England had a right to arrest all persons domiciled in the proclaimed districts, and that it was "manifestly futile to claim that naturalized citizens of the United States should be exempt from its operation."



Mr. O'Mahoney's wife addressed a letter to E. P. Brooks, Consul at Cork, requesting his interference to secure her husband a speedy trial, and forwarded his naturalization papers. Mr. Brooks, in a letter to Adam Badeau, Consul-General at London, says: "I explained to Mrs. O'Mahoney that no interference by me could possibly effect the result she sought."

The following speaks for itself:

*Mr. Lowell to Mr. O'Mahoney.*

"LEGATION OF THE UNITED STATES, 1  
"LONDON, July 19, 1881. {

"SIR: I have your letter of the 15th instant. I am waiting instructions from home before taking action in such cases as yours.

"It is my opinion, however, and in this I shall probably be sustained by the Department of State, that the fact of being an American citizen cannot of itself operate to exempt any one from the penalties of a law which he had violated, and *that it will be necessary to show that some exceptional injustice had been practiced in any particular case before the American Minister can be called upon to intervene.*

"I am, sir, your obedient servant,

"J. R. LOWELL."

Mr. O'Mahoney had informed Mr. Lowell that all he asked was his interference *to obtain a speedy trial*. Our representative, however, evaded this direct request by assuming that he asked protection from the verdict on the crime charged.

Mr. O'Mahoney's citizenship was established beyond question. He was discharged from the United States Navy in 1865. He remained in this country until 1874. Then sojourned in Ireland until 1879. In February, 1880, he obtained naturalization papers at Lockport, N. Y. In January, 1881, he returned to Ireland to dispose of his property and bring his family to this country. That his citizenship was admitted, and with it his right to the benefit of section 2001, above quoted, is shown by the question of U. S. Consul Brooks: "Suppose the British Government were to permit your release from prison upon condition of your immediate return to the United States, would you accept such terms?"

This question presupposed belief of his innocence of the alleged crime of attempted murder by the British Government, and his honor and the honor of our country demanded his trial.

*Mr. O'Mahoney to Mr. Lowell.*

"LIMERICK PRISON, July 21, 1881.

"DEAR SIR: I quite agree with you when you state that an American citizen should not be exempt from the penalties of a law which he violates, and that it would be necessary to show that some injustice had been practiced before your intervention, and I respectfully submit the following facts for your kind consideration:

"1st. That I am arrested charged with a crime.

"2d. That I am detained in prison without a shadow of evidence against me.

"3d. That I am debarred of the right of proving my innocence in connection with the crime that I am suspected of. Therefore all the favors I ask (and I think I should claim it as right) from the United States Government, through you, is a trial, in order that I may show that there is exceptional injustice practiced in my case. Therefore I respectfully ask your intervention to grant me a trial, and by so doing I will not only be able to prove myself innocent of the charge that I am accused of, but of any other crime punishable by law, except being a member of the Land League, an organization which the Prime Minister himself declared to be perfectly constitutional.

"An early reply will oblige yours, respectfully,

"HENRY O'MAHONEY.

"P. S.—Kindly let me know if you can demand an impartial trial for me; if not I shall ask for no other favors.

"H. O'M."

## Case of McSweeney.

Daniel McSweeney, an American citizen, for twenty years a resident of San Francisco, Cal., was dragged, ill in health, from the bosom of his family on June 2, 1881, and lodged in Dundalk Jail.

*Mr. McSweeney to Mr. Lowell.*

"DUNDALK JAIL, June 7, 1881.

"SIR: I am an American citizen, having resided twenty-five years in the United States, twenty of which I spent in San Francisco, Cal. During that time I never was either charged, accused, or even suspected of any crime, nor in fact never was accused of any crime in my life, until on the 2d of the present month my house was surrounded by an armed force and I was forcibly dragged from the bosom of my family and lodged in jail.

"The charge against me now is, inciting persons to unlawfully assemble and commit riot and assault. Now, there was no unlawful assembly, no riot or assault committed in the district from which I was arrested, neither was there any incitement to commit such. The government kindly furnished me with a shorthand reporter who carefully took down every word I said in the English or Irish language, and I challenge him, or the government, or all the landlords in Ireland, to prove that I uttered one word which could by any possibility be construed to mean incitement to crime. On the contrary, from every platform I advised the people to commit no crime, to violate no law, but to carefully work within the lines of the constitution.

"Now, sir, I want a fair trial; if I am innocent, I want, as an American, to be released; I want to know if my naturalization papers are worth preserving; whether, when an American leaves home his mouth must be sealed, though slavery in its worst form should exist in every country through which he may travel.

"Yours, respectfully,

"DANIEL SWEENEY."

Again, in utter disregard of sections 2000 and 2001 R. S., Mr. Lowell evades the request for a fair and speedy *trial* thus:

*Mr. Lowell to Mr. McSweeney.*

"LEGATION OF THE UNITED STATES, }  
"LONDON, September 22, 1881. }

"SIR: I have to acknowledge the reception of your letter of the 17th instant.

"I have not thought it proper to make any application for your release from prison for the following reasons:

"The coercion act, however exceptional and arbitrary, and contrary to the spirit and fundamental principals of both English and American jurisprudence, is still the law of land, and controls all parties domiciled in the proclaimed districts of Ireland, whether they are British subjects or not. It would be manifestly futile to claim that naturalized citizens of the United States should be excepted from its operation.

"The only case, in my opinion, in which I ought to intervene, would be where an American citizen who is in Ireland attending exclusively to his private business and taking no part whatever in public meetings or political discussions, should be arrested. Under such circumstances it would be proper to appeal to the courtesy of the government here on the ground of mistake or misapprehension, and ask for the release of the prisoner.

"I have communicated these views to the Department of State, and I have received, so far, no instructions in a contrary spirit.

"It does not appear to me that the reasons above given for intervention exist in your case so far as I understand it.

"I am, sir, etc.,

"J. R. LOWELL.

The just, the patriotic indignation of an American citizen roused by this shameless epistle finds expression in the following words of McSweeney:

*"Mr. Sweeney to Mr. Lowell.*

"DUNDALK JAIL, September 27, 1881.

"SIR: A letter bearing your signature, dated from the Legation of the United States, London, of the 22d instant, is received by me in my prison cell in Dundalk. I

am unwilling to believe that this letter is the production of an American gentleman, much less the American gentleman representing the United States at the Court of St. James. I cannot believe that an American gentleman would treat the appeal of an American citizen in prison with contempt, therefore permit me to presume that you signed the letter in question by mistake, but as your signature is attached to it I may be permitted to analyze it, and if possible, ascertain your meaning.

"The reasons which you say influence you in not making an application for my release are not, in my opinion, good and sufficient reasons. But I will quote your own words and leave the public on both sides of the Atlantic to judge :

"The Coercion act, however exceptional and arbitrary, and contrary to the spirit and fundamental principles of English jurisprudence, is the law of the land."

"That the coercion act is the law of the land no one will dispute, but many will be inclined to the belief that the *absence* of coercive measures would be exceptional.

"It would be manifestly futile to claim that naturalized citizens of the United States should be excepted from its operation."

"Here we learn for the first time that there is a distinction between naturalized and native-born American citizens regarding their right to claim protection abroad; but it is evident that you are laboring under a misapprehension with regard to my claim. I did *not* claim to be excepted from its operations; my claim is based on the fact that I did not violate any law.

"The only case, in my opinion, in which I ought to interfere would be when an American citizen who is in Ireland attending exclusively to his own business and taking no part whatever in public meetings or political discussions should be arrested, it would be proper to appeal to the courtesy of the British Government for the release of the prisoner."

"So that, in your opinion, the only right which an American citizen could claim abroad would be an appeal to the courtesy of the Government who might deprive him of his liberty. But should an American be so imprudent as to take part in a public meeting, say a prayer-meeting, or engage in any political discussion with a Frenchman, a German, or even a Zulu, according to your opinion, he would forfeit all claim not only to protection, but even to an appeal to *courtesy*. This throws new light on the question of American citizenship.

\* \* \* \* \*

"One would naturally expect that a gentleman intrusted with the important mission of United States Minister at the English court should at least make a dignified reply to what some gentleman occupying similar position might consider an insult. But on the contrary, sir, you seem to have given up the fight, which, in my opinion, could not have been a very determined one, and you sent me a message to my prison cell, where I have been confined for over four months, and where I have to pass eighteen hours each day in a space six by twelve, and you tell me that you have abandoned me to my fate; that you would not intervene any further in my behalf. It will not be clear to the public that you did intervene very far.

\* \* \* \* \*

"British subjects took part in public meetings and political discussions in the United States during the slave troubles. Had the American Government cast them into prison and sentenced them to a term of imprisonment without trial, and refused to give the British minister at Washington any information respecting the charge against them, what would the British minister do 'under these circumstances'? Fold his arms, take the matter good naturedly, send a message to the British subjects in prison that he 'did not think it proper to intervene,' or demand his passport?

Yours, respectfully,

"DANIEL SWEENEY."

On April 15, 1882, the Senate having under consideration a resolution condemning the dilatory and unpatriotic course of the State Department, Mr. Voorhees said :

"Sir, what is the attitude of the American Government at this time on this momentous question? Is it one which inspires a feeling of satisfaction and pride in the American heart? I appeal to the record. On the 9th day of the last month this body made inquiry in the following form after the condition of a citizen of the United States then confined in a British jail :

*Whereas*, It is alleged that Daniel McSweeney, a citizen of the United States, and lately a resident of the State of California, while peaceably sojourning in England, has without just cause been imprisoned by the British Government; be it therefore

*Resolved*, That the Secretary of State be, and is hereby, instructed to ascertain the



cause for the alleged imprisonment of the said Daniel McSweeney, and make report to the Senate at the earliest day possible.

"On the 20th day of March, eleven days after the passage of this peremptory resolution, the Secretary of State transmitted to us his answer. Every particle of information on the subject was in his hands when the resolution reached him, and could have been reported in twenty-four hours had he reported 'at the earliest day possible,' as instructed. The American State Department, however, has always, in late years, taken its greatest leisure and proceeded most slowly when an American citizen was in a foreign prison, and this diplomatic custom was not broken in the present instance. But, sir, prepared as I was for the exhibition of a weak foreign policy on our part, I was utterly amazed at the contents of the communication from the Secretary of State in this case. It appears that Daniel McSweeney was arrested June 2, 1881, now more than ten months ago, and that he has suffered in prison from that day to this. He was dragged from a bed of sickness, in the presence of his wife and children, by British constables. He was guilty of no crime, not even the shadow of any crime known to the laws of any civilized nation on the face of the globe. No one will pretend that he was; no one will rise here and say so. If the party so long in power in this Government has a friend on this floor who will risk his reputation in trying to point out the guilt of McSweeney, I want to hear him. Let him stand forth at once and reconcile us if he can to the policy of the Republican party in relation to the foreign-born citizens. This extraordinary document from the State Department tells the whole miserable story. I challenge particular attention to dates. On the 3d day of August, 1881, Julia McSweeney wrote to the Secretary of State from the County Donegal, Ireland, in behalf of her husband, and her letter was received here in Washington on the 16th day of the same month. In that letter the brave, high-spirited wife, says :

"Some four years ago I came with my family, on account of my husband's failing health, to reside temporarily in this country. I was aware that England claimed this island, but I was under the impression that Americans might venture to travel or reside abroad protected by their flag, but in this I was mistaken."

"And then she proceeds, with a woman's keen sense of wrong and outrage, to describe the brutal arrest of her invalid husband. She continues :

"It is not alleged that he committed any crime or violated any law. He, being an American citizen, immediately forwarded his naturalization papers, together with a solemn protest against this British outrage, to the American minister at London. That gentleman answered that the matter would be laid before one Granville, and that inquiries would be made as to the ground of his arrest."

"And still there was no response to this American wife and mother. She invoked the justice of law for her husband, innocent of crime, and she asked in respectful terms whether she herself would be protected, or left to share his fate because she could not help sharing his opinions. She spoke for him, for herself, and for her virtually orphaned children. Sir, a government or the department of a government which in any age of the world's history would turn a deaf ear to burning words like these could not complain of being regarded with aversion and contempt in all quarters of the globe. A policy of silence and indifference under such circumstances is so unmanly and pusillanimous that every American head will be bowed with shame and every American heart filled with humiliation as the facts of this case become generally known. I feel degraded in my pride as a citizen of the American Republic when compelled to state, as I now do, with the communication of the State Department in my hand, that until six long and weary months to the prisoner after this Government had received his wife's letter not a single step was taken by the authorities here directing inquiry into the circumstances of his arrest, and then only when influenced to do so by other considerations, as I shall show, than a just appreciation of his claims to protection."

"Mr. JONES, of Florida—Will the Senator permit me to ask him a question, without interrupting him? Is McSweeney now in prison?"

"Mr. VOORHEES—I understand so, as no notice whatever has been given of his release."

"The woman's appeal lay unheeded in the official pigeon-holes of the Department whose duty it was to protect her husband and all his family, but in the meantime the voice of such an outrage could not be stifled, and was finding its way to the public ear through more natural channels than the artificial and heartless methods of diplomacy. On the 23d of January, 1882, there was published in the San Francisco *Examiner* a letter from the prisoner himself. It was accompanied by an editorial in which it was stated, among other things, that—

"The writer, Daniel McSweeney, was for many years a well-known and esteemed resident of San Francisco, doing business at the corner of Ninth and Howard streets, where he was engaged in the cattle trade."



"That he had a large family, six of his children being with their mother in Ireland and two in San Francisco, and that Mrs. McSweeney's health was being rapidly undermined on account of her husband's unjust imprisonment. Mr. McSweeney's letter was written to his daughter in California, and its recitals are so simple, and yet so horrible, coming from a man whose rights as an American citizen are as perfect as yours, Mr. President, or as mine, that I cannot refrain from laying them again before the American Senate. The letter is written from "Dundalk jail," and is dated "December 12, 1881":

"MY DEAR MAMIE: You must excuse me for not answering your last two letters sooner. Since winter set in I was unable, owing to severe cold in this dungeon, to sit still long enough to write even a few lines. I have to keep moving about continually in my narrow space to keep from freezing. You must know how dreadful it is to be locked up eighteen hours a day in this cold, damp climate, without any fire, and, worse still, we are compelled to stand or walk about daily for five hours in the open air, in a damp, muddy yard, ankle-deep in water, and then retire to our cold cells, trembling with cold. It requires a strong constitution to stand it long. I fear many of our brave fellows will succumb before the winter is over. As I was only sentenced for sixteen months, I thought at first I might live it out; but you know I was in delicate health when arrested, being barely able to move about after a severe attack of sickness."

"Sir, this is a picture of wanton brutality such as barbarians alone inflict on prisoners, whether guilty or innocent. It shows that the spirit of torture, which for so many ages stained and blackened English history, is yet alive and active, and especially so when the victim belongs to a government whose administration cares nothing for his safety, and still less, if possible, for its own honor.

"But to continue Mr. McSweeney's letter:

"All efforts on the part of your mother and all our friends failed to discover the cause of my arrest. I appealed to Mr. Lowell, United States Minister at London, for protection, but he answered that it is absurd for a naturalized citizen of the United States to claim protection. He says that even an American citizen could only have recourse to an appeal to the courtesy of the British Government to be released. He added, in a later communication, that the British Government refused to give him any information about the charge against me, and that they snubbed him."

"Strong as this statement is, contained in a letter written in jail from a father to a daughter, yet I will show that it is the exact truth when I come to comment on the dispatches and official conduct of Mr. Lowell, the American Minister at London. Mr. McSweeney, however, proceeds in his letter:

"Your mother wrote to Mr. Blaine about my case, but that gentleman did not deign even a reply. I heard nothing whatever from him. \* \* \* I am now in jail going on seven months, charged with no crime, and not even a shadow of suspicion that I violated any law; and when our American Minister asks a civil question about me he is snubbed, insulted, and his flag trampled on; but he does not appear to make much fuss about it, and the American Government takes no notice of the question any more than the king of the Sandwich Islands would."

"Sir, I think Mr. McSweeney does injustice to the foreign policy of King Kalakaua in placing it as low and weak as our own.

"But, sir, there is another feature in this case arising out of the correspondence before us which demands attention. The conduct of the American Minister at London and his conceptions of duty on a question of such vital moment are matters of paramount importance at this time. It will be remembered that Mr. McSweeney states in his letter to his daughter that he applied to Mr. Lowell for protection, and that he applied in vain. An inspection of Mr. Lowell's dispatches and letters on this point deepens and intensifies, if possible, the sense of American humiliation. The prisoner alleged in his application for protection not only that he was not guilty of any violation of law, but that he was not even notified of any criminal charge against him; that he was in prison without trial and without accusation. With this statement he forwarded his naturalization papers, concerning whose legality and sufficiency no question has ever been made. With the case thus made out before him the first step taken by the American Minister was such, I venture to say, as never before occurred in the diplomatic or judicial annals of the human race. On the 10th of June, 1881, he instructed the vice-consul at Belfast to ascertain the cause of arrest, and, if innocent—if innocent—to present the matter in the competent quarter, wherever that might be, and ask that Mr. McSweeney be released or brought to trial.

"I defy the records of the dullest-witted justice of the peace in the United States to equal in the stupid evasion of duty this amazing diplomatic paper. The vice-consul at Belfast was instructed to find out, if he could, the cause of McSweeney's arrest; then in some inconceivable and incomprehensible way he was to pass upon the entire question of this unfortunate man's guilt or innocence. It was to be done without a judicial trial

for that had been refused; without witnesses, for the vice-consul had no power to call, swear, or examine them in such a case; without the presence of McSweeney himself, for he was in jail, and could not attend. Under the instructions of Mr. Lowell the prisoner, while in the Dundalk jail, with a British turnkey over him, was to be tried and convicted, or acquitted, without one single form of law, but simply in the void and empty mind of a vice-consul at Belfast. But the result of this trial, not in a court of law, but in the uninformed mental processes of the vice-consul, was perhaps to be the most astounding feature of this whole disgraceful business. The vice-consul at Belfast was instructed by the American Minister that if he found McSweeney innocent then he was to ask, not demand, but ask that he be released or brought to trial; and it seems from the dispatch that which measure of relief, release, or trial he would ask was left to himself to determine.

"If this is not the first time in the history of the nations of the earth that a man's right to a trial before the law was made to depend upon his ascertained innocence beforehand, then my reading is at fault. If it is not also the first instance in which a respectable government was ever known to shrink from demanding a fair and open trial for one of its own citizens imprisoned in a foreign country until his innocence was established, then I will confess that I have overlooked the degrading example which we are following. The dispatch of Mr. Lowell to the vice-consul at Belfast would be a farce if it were not a crime. It marks his total absolute unfitness for the place he holds. The man whose methods of thought, whose education and legal training could give birth to such a document as this, can not be trusted with the safety of American citizens or with the honor of this Government. He reverses every rule of human responsibility to civilized jurisprudence. He appears ignorant of the fact that every man is innocent in the eye of the law until his guilt is proven. He assumes McSweeney's guilt and requires his innocence to be established before his demand for a legal trial will be presented to the British Government.

"Instead of saying to the British Government that this man was an American citizen, that he denied all violation of law, that the law itself presumed him innocent, and that, therefore, he demanded for him a trial, Mr. Lowell's position was that only in case the vice-consul at Belfast should be satisfied of McSweeney's innocence was the request to be made for his trial or discharge.

"But what investigation, in point of fact, was made under the instructions of the American Minister into McSweeney's guilt or innocence? Absolutely none, whatever. It was enough that the guardian of American rights abroad was answered with insolent brevity that the prisoner was 'reasonably suspected,' not that he was charged upon oath or affirmation, not that he had been indicted by a grand jury or committed by an examining magistrate, not that he had committed a breach of the peace or been taken in the act of violating law, but that he was 'suspected' by some servile English detective of a feeling, not an act—a feeling in common with the enlightened and humane sentiment of the whole human race hostile to the colossal iniquity of British spoliation, rapine, lust, and murder in Ireland.

"Upon receipt of this atrocious answer, the American Minister, in utter abandonment of the laws of his own country and without pride or shame, announced that 'no further means of ascertaining the justice of the accusation were open to the vice-consul.' He never afterward officially broached the subject to the authorities of Great Britain. He tells us, indeed, that at a subsequent date Mr. McSweeney having asserted his innocence, he ventured unofficially, disrobing himself of all weight as a representative of this government, to communicate this circumstance, and to ask that the case might be considered favorably. Then, however, Mr. Lowell was completely and perpetually silenced by the curt and distinct reply of Lord Granville, 'that under no circumstances would his request be granted.' Brow-beaten, insulted, and without the proper spirit to resent arrogance or to execute American law, he sheltered himself under the expressed belief, as will be seen on page 7 of the published correspondence, that the prisoner was 'no more innocent than the majority of those under arrest.' 'No more innocent!'

"Mr. JONES, of Florida—On that point I wish the Senator would observe that the language of Lord Granville, as reported by Mr. Lowell to the State Department, is that under no circumstance would any explanation be given to the American Minister of the cause of the arrest of an American citizen, whether naturalized or native-born, beyond what could be found on the face of the warrant under which he was arrested.

"Mr. VOORHEES—I have the statement before me, and have so repeated it. 'No more innocent,' says the American Minister; there is no reason to suppose that McSweeney is any more innocent than the rest of them. Will any Senator rise in his place and risk his reputation by saying that a man who has given such an expression as that ought to be retained in any branch of the public service? Comparative innocence! Everybody is innocent until after a fair trial and a verdict of guilty, and yet the American Minister at

London dares, with infinite hardihood, to assume and assert that all the untried, unconvicted 'suspects' in British jails, who are citizens of the United States, are guilty, and that Daniel McSweeney is as guilty as the others. He does not know, he cannot know, whether this is true or false; I presume he does not care.

"But this is not all. Outside of and beyond the meagre and lifeless records of the Department of State, a few letters from the American Minister to the American in prison have found their way into the public press. They throw a light on our foreign policy at this time which ought to be fully understood and thoroughly condemned. I did not suppose that at this late day there was any doubt in any intelligent mind as to the equality of the naturalized with the native-born American citizen in his right to the protection of his government. I thought that question forever settled by the diplomatic writings of Cass, Marcy, Webster, and other great Secretaries of State in past generations. But in this it seems I was mistaken. The American Minister at London asserts a distinction between naturalized and native-born citizens of the United States as odious to every principle of justice as the ancient spirit of the alien and sedition laws. Let the following letter attest the truth of this statement:

LEGATION OF THE UNITED STATES, }  
London, September 22, 1881. }

SIR: I have to acknowledge your letter of the 17th instant. I have not thought it proper to make any application for your release from prison for the following reasons: The coercion act, however exceptional and arbitrary and contrary to the spirit and fundamental principles of both English and American jurisprudence, is still the law of the land, and controls all parties domiciled in the proclaimed district of Ireland, whether they are British subjects or not. It would be manifestly futile to claim that naturalized citizens of the United States should be excepted from its operation. The only case, in my opinion, in which I ought to intervene would be when an American citizen who was in Ireland attending exclusively to his own business, and taking no part whatever in public meetings or political discussions, should be arrested. Under these circumstances it would be proper to appeal to the courtesy of the government here on the ground of mistake or misapprehension, and ask for the release of the prisoner.

I have communicated these views to the Department of State, and have received so far no instructions in a contrary spirit. It does not appear to me that the reasons above given for intervention exist in your case so far as I understand it.

I am, sir, your obedient servant,  
MR. D. MCSWEENEY.

J. R. LOWELL.

"Here we find the terms 'naturalized citizen' and 'American citizen' used in contradistinction to each other. For the naturalized citizen Mr. Lowell says it would be manifestly futile to claim protection from the operations of an act of Parliament which he admits to be 'contrary to the spirit and fundamental principles of both English and American jurisprudence.' On the other hand, if 'an American citizen who was in Ireland attending exclusively to his own business, and taking no part whatever in public meetings or political discussions, should be arrested,' the representative of American honor abroad thinks he would venture to appeal to the courtesy of the British Government on the ground not of right, but of mistake or misapprehension. The rule of action here declared in behalf of the native American will excite the contempt of the civilized world, and yet it is somewhat less infamous than the policy laid down in reference to those whom our laws have adopted as citizens. There is a discrimination against the American of foreign birth inconsistent with American law and with the law of nations."

The above cases have been selected to illustrate the "sickening sycophancy" of our government to that of Great Britain at the sacrifice of our national honor. The other cases present no features noticeably different from those given. It is the same story, from beginning to end, of disgraceful subserviency, under the title of "diplomatic courtesy."

#### Interesting Correspondence.

The following extracts from correspondence on this subject will furnish some "mighty interesting reading:"

"*Mr. Barrows to Mr. McCormack.*

"CONSULATE OF THE UNITED STATES, }  
"DUBLIN, February 24, 1882. }

"SIR: I am in receipt of yours of the 23d, and in reply beg to inform you that the fact of your being an American citizen confers upon you no immunity from arrest and imprisonment under the coercion act. The minister can interfere only:



"1st. When such person being in Ireland in the prosecution of his lawful private business, and taking no part in political meetings or partisan disturbances, has been arrested by obvious mistake ; or,

"2d. When a distinction has been made to the disadvantage of the prisoner on the ground of his American nationality.

"The above are the decisions of Minister Lowell, under whose instructions I am acting. Should there be a peculiar hardship in your case, not affected by these decisions, please submit all the facts in the case, together with evidence of your American citizenship, and the matter shall have my prompt attention.

"I remain, etc.,

"B. H. BARROWS, United States Consul."

Mr. Barrows, reiterating the decision of Minister Lowell, seems to be better informed as to the effect of a British law than the mandates of an American act of Congress. Under the act of 1868 it was the duty of our Government to demand an immediate trial or release. Our representative, however, while an acknowledged citizen is languishing in a dungeon, spends the valuable time due to a suffering countryman in construing British laws.

"NAAS BASTILE, April 18, 1882.

"DEAR SIR : Herewith I forward you certificate of my American citizenship, and beg to request that you will lose no time in forwarding it to Mr. Lowell. I lost the original document, and in consequence of your reply to me last February, I neglected sending for a duplicate until the 20th ultimo. I trust that Mr. Lowell will lose no time in representing my case, as I am now undergoing my fourth month's imprisonment without the slightest shadow of a charge against me. Of course my business as a journalist and newspaper proprietor is suffering severely through this most wanton outrage perpetrated on me by the British Government, and I think it would be nothing more than ordinary justice that Mr. Lowell should demand compensation for me, for the losses which I have sustained. I shall expect at least that my trial or unconditional release will be demanded forthwith. Surely four months should be time enough for the British authorities to trump up a charge against me if they could, but I defy them to do so.

"It might be necessary for me to explain the slight difference between the name under which I was arrested and that of my certificate of citizenship. The name under which I was arrested is John R. McCormack, the R being used by me from my mother, whose name is Ryan, in order to distinguish me from several John McCormacks in Tipperary, amongst them three first cousins of my own. Of course I am prepared to prove that I am the actual person mentioned in the inclosed duplicate.

"Your faithful fellow-citizen,

"JOHN R. McCORMACK."

The following shows to what an extent was carried the "diplomatic courtesy" of the State Department. Nothing but ignorance or impertinence, barring "diplomatic courtesy," could possibly have sent the minister from England to complain to the Secretary of State of the wording of a resolution of the House of Representatives of the United States :

"*Mr. West to Earl Granville.*

"WASHINGTON, January 25, 1882. (Received February 12.)

"My LORD : I have the honor to inform your lordship that the Committee on Foreign Affairs has reported back to the House a resolution to the following effect :

"That the President be requested to obtain from the British Government a list of all American citizens, naturalized or native-born, under arrest or imprisonment by authority of said government, with a statement of the causes of such arrest or imprisonment, especially of such citizens as may have been thus arrested and imprisoned under a suspension of *habeas corpus* in Ireland, and if not incompatible with the public interest, that he communicate such information as he receives, together with all the correspondence now on file in the Department of State relating to any existing arrest or imprisonment of citizens as aforesaid ;' upon which Mr. Robinson, of New York, made a violent speech, copy of which is herewith inclosed, against the British Government, and said, alluding to the prohibition of the importation of hogs into England from America some time ago, which created so much sensation, 'Oh ! that we only paid as much attention, as much honor, to a live American citizen as we do to a dead Cincinnati hog !' I called Mr. Frelinghuys-



sen's attention to the terms of this resolution, and to the language used in the debate upon it, but he said he had no knowledge of any such resolution as I had now alluded to, and which I showed to him, nor could he tell me what was likely to be the ultimate fate of it. I remarked to Mr. Frelinghuysen that, although not much importance need be attached to such language as that used by Mr. Robinson, still the wording of the resolution was calculated to produce a bad effect, and might cause unnecessary irritation.

"Mr. Frelinghuysen said he would make inquiries as to what had taken place in the committee respecting the resolution."

"I have, &c.,

"L. S. SACKVILLE WEST."

### Case of O'Connor.

In a recent interview in the *New York Herald* Hon. Perry Belmont states this case as follows :

One of the most characteristic cases, perhaps, was that of Dennis H. O'Connor. That case was brought to the attention of the Department of State about November, 1881. On the 14th of February, 1882, Mr. Cox of New York, brought it to the notice of the House. The facts then appeared to be these : Dennis H. O'Connor was naturalized as an American citizen in 1875. He had lived for some time in Ireland and was in business there, when in 1881 he was arrested as a 'suspect.' He was in ill health and his imprisonment was likely to prove very injurious if not fatal to him.

"Mr. P. C. O'Connor, the brother of the prisoner, in November, 1881, laid these facts in writing before the Department of State. In doing so he was supported in his request by the Mayor of Baltimore in a note of introduction"—and Mr. Belmont, turning to the files of the *Congressional Record* for February, 1882, indicated the following note, which was read by Mr. Cox in the course of a speech :

DEAR SIR—Permit me to present to your kind attention Mr. P. C. O'Connor, of this city, who desires to see you relative to his brother, a citizen of this country, who is under arrest in Ireland. I commend him as a gentleman of honor, character and intelligence.

With kind regards, very sincerely yours,

WILLIAM PINCKNEY WHYTE,

Mayor of Baltimore.

SECRETARY OF STATE, Washington, D. C.

"Under date of November 25, 1881," Mr. Belmont resumed, "a reply was made by the Department to Mr. O'Connor's statement of his brother's case. Here it is :"

Mr. Belmont pointed to the appended letter, which appears on the same page of the *Congressional Record* as that just given. It bears Mr. Blaine's signature, and the most significant passage of the document is the following :

The case of your brother, Mr. Dennis H. O'Connor, will take the same course as those which have preceded it, and I can only express the hope that the efforts in his behalf may result in his early liberation. In this connection I must, however, remind you that the act of Parliament under which Mr. O'Connor is held is a law of Great Britain, and it is an elementary principle of public law that in such case the government of that country in the exercise of its varied functions—judicial and executive—administers and interprets the law in question. The right of every government in this respect is absolute and sovereign, and every person who voluntarily brings himself within the jurisdiction of the country, whether permanently or temporarily, is subject to the operation of its laws, whether he be a citizen or a mere resident, so long as in the case of the alien resident no treaty stipulation or principle of international law is contravened by the proceedings taken against him.

In stating this familiar principle no more is conceded to Great Britain than every country may of right demand, and it is one of the sovereign rights that the government of the United States has always insisted upon and maintained for itself.

"The whole point is whether or not a 'principle of international law was contravened' by the proceedings taken against Mr. O'Connor. There can be no doubt that a principle of international law was contravened, and such appeared to be the view afterward taken by the Department of State under Mr. Frelinghuysen. On the 14th of March, 1882, the Senate Committee on Foreign Relations received from Secretary Frelinghuysen a reply to a communication asking him what steps had been taken for the relief of the American citizens arrested in Ireland under the Coercion act. Mr. Frelinghuysen said that on March 4, he had directed Minister Lowell, by cable, to ask that Americans detained under the Coercion act should be brought to a speedy trial. Mr. Lowell, the Secretary said, had replied by cable that he had carried out these instructions. This shows what even a very conservative Secretary of State might do for citizens imprisoned abroad.

## Democratic Principles and Protests.

### Senator Voorhees' Speech.

In protesting against the Republican indifference to the rights and liberties of our citizens abroad in the speech from which we have above quoted, Senator Voorhees stated the Democratic principles, as follows:

The security, the dignity, and the inviolability of American citizenship constitute, more than all other things combined, the strength and honor of this Government. Any policy emanating from any source which ignores in the slightest degree this great fact calls for prompt and stern condemnation. A government which is indifferent to the fate of its own citizens, whether at home or abroad, which fails to respond boldly and swiftly to their appeals for justice, and leaves them to waste away their lives in prison, untried, unconvicted, is unworthy of allegiance and ought not to have and will not long retain a respectable position among the independent powers of the earth. Duties are reciprocal between the Government on the one hand and its citizens on the other.

A failure to perform these duties by either party to the political compact is fraught with weakness, danger, and disgrace. If the citizen fails to keep upright faith with his Government, and bear true obedience to its laws in peace and in war, he weakens, and perhaps totally destroys his claim upon that Government for protection. If the Government itself, however, abandons the citizen to injustice and oppression, permits him to be stripped naked of all legal security or defense, turns a deaf ear to his just demands, and leaves him to suffer indefinite terms of imprisonment without trial, either in his own or foreign countries, no one will deny that the obligations of the citizen are at an end. And it is equally true that such an example of weakness, timidity, or indifference on the part of the Government must go far to shake the respect and attachment of the whole body of its people, and to render it contemptible in the eyes of neighboring nations.

Lewis Cass, near the close of his long and illustrious life, while Secretary of State in 1859, interposing for the protection of an American citizen of German birth, held the following doctrine in a letter to the United States Minister at Berlin:

"The right of expatriation cannot at this day be doubted or denied in the United States. The idea has been repudiated ever since the origin of our Government that a man is bound to remain forever in the country of his birth. The doctrine of perpetual allegiance is a relic of barbarism which has been disappearing from Christendom during the last century."

Sir, this relic of barbarism, as it is here justly styled, has practically disappeared from every quarter of Christendom, except the American embassy in London and the British jails in Ireland. But still earlier than the letter of General Cass, from which I have read, the law of American honor, strength and glory was announced in such majesty of truth and power that I recur to it now in these degenerate days with the feeling of a traveler in the burning desert as he approaches the cooling, healing waters of a fountain in the depths of a grove. William L. Marcy; honored forever be his name! What American can read his immortal letter to Hulseman, touching the arrest and imprisonment of Martin Koszta by the Austrian Empire, without feeling his patriotism kindle into a flame and his pride of country rise high toward the zenith? On the 26th day of September, 1853, the great Democratic Secretary of State proclaimed the following grand utterances to the listening, expectant, and wondering nations of the earth:

"Whenever, by the operation of the law of nations, an individual becomes clothed with our national character, be he native-born or naturalized citizen, an exile driven from his early home by political oppression, or an emigrant enticed from it by the hopes of a better fortune for himself and his posterity, he can claim the protection of this Government, and it may respond to that claim without being obliged to explain its conduct to any foreign power, for it is its duty to make its nationality respected by other nations and respectable in every quarter of the globe. \* \* \* International law looks only to the national character in determining what country has the right to protect. If a person goes from this country abroad with the nationality of the United States, this law enjoins upon other nations to respect him in regard to protection as an American citizen."

Koszta was not yet a citizen of the United States; he had simply declared his intention to become one. McSweeney's naturalization papers are full and complete. Koszta had a domicile in this country less than two years. McSweeney has resided, a well-known and respected business man, a quarter of a century in San Francisco. Yet, having laid down the principles of public law on the subject of American rights throughout the world, Mr. Marcy continues:

"Giving effect to these well-established principles and applying them to the facts in the case, the result is that Koszta acquired, while in the United States, their national character; that he retained that character when he was seized at Smyrna, and that he had a right to be respected as such while there by Austria and every other foreign power. The right of a nation to protect and require others to respect at home and abroad all who are clothed with its nationality is no new doctrine, now for the first time brought into operation by the United States. It is common to all nations, and has had the sanction of their practice for ages, but it is new that at this late period, when the United States assert a claim to it as a common inheritance, it should at once be discovered that it is a doctrine fraught with danger and likely to compromise the peace of the world. The United States see no cause for alarm; no reason for renouncing for themselves what others have so long and so harmlessly enjoyed."

Sir, these are high, heroic words, and they well became the occasion. An American sloop-of-war, the *Saint Louis*, Captain Ingraham, a son of South Carolina, commanding, had, with shotted guns and lighted matches, rescued in a distant sea, from chains, dungeons and certain death the person of a wanderer and an exile who had barely touched our shores, but who in that brief stay had clothed himself with the mantle of American nationality. The imperial house of Hapsburg demanded that the Government of the United States should deliver him up to Austrian vengeance; that it should disavow the conduct of Captain Ingraham and all the American agents in the affair; punish them severely, and then tender to Austria such satisfaction as she might deem proportionate to the outrage complained of. And in order to enforce this demand upon the United States, Austria applied to the principal powers of Europe, and actually induced them to warn and admonish this Government in regard to its duty in the premises.

It was under these circumstances, with the whole world looking on, and with all Europe in sympathy with Austria, that Marcy wrote his immortal communication to the representative of Austrian power and despotism. The Hungarian refugee was not delivered up; the conduct of Ingraham and the other American agents at Smyrna was not disavowed; they were not punished; they were honored, and no other kind of satisfaction than this was ever tendered to the Empire of Austria. [Manifestation of applause in the galleries.] Now an American Secretary of State is content for the British Government to inform him distinctly, through the American minister, that it is none of his business why American citizens are in British jails; that the cause of their arrest will not be given, and that they shall neither be tried nor released. The contrast is complete; it can go no further.

But it is said by the apologists of British arrogance and American pusillanimity that under the act of Parliament, known as the Coercion act, it is lawful for men and women to be arrested, sentenced, and indefinitely imprisoned who have committed no crime, and are charged with none, but who have fallen under the suspicion of the spies and informers of the British Government. We hear these unfortunate captives styled "suspects," not criminals, but "suspects."

They are not alleged to have violated any law, but they are suspected of an intention to discuss those questions, as old as human existence, which involve the scant measure of bread on their poor tables, and the hard beds on which they and their children sleep of nights. The law of sworn accusation, indictment, public trial, and conviction before imprisonment under sentence, has given way to the law of suspicion. There can be no more atrocious system of jurisprudence than this; there can be no blacker crime committed by a government against its own citizens, or those who happen to sojourn within its barbarous jurisdiction. Tiberius imprisoning and slaughtering Roman citizens upon suspicions poured into his ears by his infamous parasite, Sejanus, presented not such a spectacle of horror as the British Government in its policy towards Ireland now presents.

The evil-minded tyrant of Rome lived in a darker age than this. He was a heathen; this is the nineteenth century of the Christian era, and near its majestic close. Such an enactment as the Coercion act now in operation in Ireland cannot be law at this period of the world; it is the subversion of law; it openly assaults every element of justice, human and divine; it grapples with and seeks to overturn those immutable, eternal, inherent rights of man which are higher and stronger than all the acts of repressive legislation in the entire annals of despotism. If it is claimed that a government has the right to legislate for its own citizens as it pleases, even this cannot be admitted without qualification. The civilized nations of the earth are not compelled to stand silently by and see one of their number convert itself into a prison or a charnel house. International law recognizes a point where they may interfere in the interests of humanity. But I am only insisting now that Great Britain shall not be allowed to consign American citizens to chains and death, whatever she may do with her own, by virtue of an act which uproots, overturns, and annihilates every vestige of freedom and law.



I am insisting that when the American, "be he a native-born or naturalized citizen," goes abroad in the peaceful pursuit of his own affairs, whether of business or pleasure, the nationality which he carries shall protect him as well from judicial as from clandestine murder; from the illegal acts of foreign governments as well as from the brutal conduct of foreign mobs. Under existing treaties with foreign powers American citizens who happen within their jurisdiction are entitled to the best, not the worst, treatment which these powers can furnish to their own people. Less than this would render our citizenship delusion and a snare to all who relied upon it in the hour of need.

Sir, let us look this momentous question plainly in the face. We can less afford to ignore it or trifle with it than any other government on the globe. All our interests, traditions, and every sentiment of sacred honor bind us to the most vigilant protection of our citizens wherever they may be and whatever their nativity. The American Republic was established by the united valor and wisdom of the lovers of liberty from all lands. The Frenchman with his gay disregard of danger, the German with his steady courage, the Pole with his high enthusiasm, and the Irishman with all these qualities combined were here in the long and bloody contest for American independence. La Fayette, the beloved of Washington; Hamilton, who rode by his side and assisted to organize the Government; Pulaski, who fell at the head of his legions at Savannah; De Kalb who died upon the field with all his sabre wounds in front; Montgomery, who gave up his life in the storm of Quebec; Steuben, the accomplished military organizer; Kosciusko, with his genius and daring; and large numbers of their followers and associates were born under alien skies and came to the banquet of battle and of death because of their love for human freedom. On every battle-field of the Revolution, from Bunker Hill to Yorktown, the bones of their countrymen have long since crumbled to dust, and at every subsequent period of American history the foreign-born citizen, in council and in field, has been faithful to the common cause for which his ancestry bled.

There are nearly 10,000,000 American citizens and inhabitants now of foreign birth. They come not here as aliens in blood with race prejudices against them. They are our kindred; their blood and ours commingle. We are of a common parent stock. Shall they be denied the protection of those institutions which they helped to purchase at so dear a cost, and which they have done so much to uphold and honor? Sir, there are now five Senators on this floor who were born subjects of Great Britain—three in Ireland, one in Scotland, and one in England. Shall they fall under the law of suspicion if they should revisit their native homes, be arrested at the pleasure of the British Government, cast into dungeons without sworn charge, and held there indefinitely without trial? They are as liable to such a fate as Daniel McSweeney or any other naturalized citizen, and under the servile policy of the Department of State and Mr. Lowell, they would remain in their cells instead of returning to their seats in this body.

It has been announced that an eminent American woman contemplates a visit to her imprisoned son in Ireland. Mrs. Parnell would doubtless be arrested as a "suspect." There is a two-fold reason why the suspicion of British spies would haunt her; she is the mother of one who believes his people ought to have a chance to own their own homes, and who loves liberty and justice well enough to suffer for them; she is likewise the daughter of Stewart of the "Ironsides," who saluted the British flag on the high seas in 1812, to better purpose, and with far greater propriety, than the salute of October last at Yorktown. [Applause in the galleries.] I plead for the right of this woman, and of all women and men of foreign birth, or with foreign alliances, to visit their kindred, share in their joys and their sorrows, look upon the graves of their parents, and caress the loved ones they left behind them, without molestation or hindrance from any power whatever, as long as they break no law. This is not a question as to the people of any one nativity; it is not an Irish nor a German question; it applies to all naturalized citizens of every clime and land, and it affects their rights and their safety, on whatever sea or shore they may wander. It will be settled at no distant day in accordance with American honor. The people of the United States have too proud a sense of justice and of their own strength and glorious destiny to submit longer to the policy of a party which permits the American citizen, the American flag, and the American name to be outraged with impunity by foreign nations. [Applause in the galleries.]

#### Governor Cleveland's Sentiments.

##### *Views Expressed When Mayor of Buffalo on the Release of the Irish Suspects.*

When it became known in this country that Mr. Lowell had abandoned the Americans imprisoned in Ireland without formal accusation, trial or conviction, the public indignation found expression in mass meetings to protest against his course, and about the time that the controversy culminated such a meeting was called in this city. It was held April 9, 1882, in St. James' Hall, and the Governor, who had been then three



months Mayor of Buffalo, presided. On taking the chair he delivered the following address, which is certainly as frank and outspoken in utterance in regard to the duties of the American Government to its citizens abroad as any one need ask for :

"FELLOW CITIZENS—This is the formal mode of address on occasions of this kind, but I think we seldom realize fully its meaning or how valuable a thing it is to be a citizen. From the earliest civilization to be a citizen has been to be a free man, endowed with certain privileges and advantages, and entitled to the full protection of the State. The defense and protection of personal rights of its citizens has always been the paramount and most important duty of a free, enlightened government. And perhaps no government has this sacred trust more in its keeping than this, the best and freest of them all ; for here the people who are to be protected are the source of those powers, which they delegate upon the express compact that the citizen shall be protected. For this purpose we choose those who for the time being shall manage the machinery which we have set up for our defense and safety.

"And this protection adheres to us in all lands and places as an incident of citizenship. Let but the weight of a sacrilegious hand be put upon this sacred thing, and a great strong government springs to its feet to avenge the wrong. Thus it is that the native-born American citizen enjoys his birthright. But when, in the westward march of empire, this nation was founded and took root, we beckoned to the Old World and invited hither its immigration and provided a mode by which those who sought a home among us might become our fellow citizens. They came by thousands and hundreds of thousands ; they came and

‘ Hewed the dark old woods away,  
And gave the virgin fields to-day ;’

they came with strong sinews and brawny arms to aid in the growth and progress of a new country ; they came to our temples of justice and under the solemnity of an oath renounced all allegiance to every other State, potentate and sovereignty, and surrendered to us all the duty pertaining to such allegiance. We have accepted their fealty and invited them to surrender the protection of their native land.

"And what should be given them in return ? Manifestly, good faith and every dictate of honor demands that we give them the same liberty and protection here and elsewhere which we vouchsafe to our native-born citizens. And that this has been accorded to them is the crowning glory of American institutions. It needed not the statute which is now the law of the land, declaring that all naturalized citizens, while in foreign lands, are entitled to and shall receive from this government the same protection of person and property which is accorded to native-born citizens, to voice the policy of our nation.

"In all lands where the semblance of liberty is preserved, the right of a person arrested to a speedy accusation and trial is, or ought to be, a fundamental law as it is a rule of civilization. At any rate, we hold it to be so, and this is one of the rights which we undertake to guarantee to any native born or naturalized citizen of ours, whether he be imprisoned by order of the Czar of Russia or under the pretext of a law administered for the benefit of the landed aristocracy of England. We do not claim to make laws for other countries, but we do insist that whatsoever those laws may be they shall, in the interests of human freedom and the rights of mankind, so far as they involve the liberty of our citizens, be speedily administered. We have a right to say and do say that mere suspicion without examination on trial is not sufficient to justify the long imprisonment of a citizen of America. Other nations may permit their citizens to be thus imprisoned. Ours will not. And this in effect has been solemnly declared by statute.

"We have met here to-night to consider this subject and inquire into the cause and the reasons and the justice of the imprisonment of certain of our fellow-citizens now held in British prisons without the semblance of a trial or legal examination. Our law declares that the Government shall act in such cases. But the people are the creators of the Government. The undaunted apostle of the Christian religion, imprisoned and prosecuted, appealing centuries ago to the Roman law and rights of Roman citizenship, boldly demanded ; ‘ Is it lawful for you to scourge a man that is a Roman and uncondemned ?’ So, too, might we ask, appealing to the law of our land and the laws of civilization : ‘ Is it lawful that these, our fellows, be imprisoned, who are American citizens and uncondemned ?’ I deem it an honor to be called upon to preside at such a meeting, and I thank you for it. What is your further pleasure ?”

In further illustration of the protection Americans abroad may expect from Governor Cleveland, we reproduce the following from a recent letter to the New York *Herald* by Wm. H. Hurlbert, who has recently given the subject very thorough examination. He says :

It is of good omen for the Democratic party that it invites the country to put the control of this great issue into the hands of a President trained as Governor Cleveland

has been in that great school of executive responsibility from which the ablest managers of the State Department, without distinction of party, have been graduated from the days of ex-Governor Marcy down to the present time.

There are two great Declarations of Independence in our American history.

On the 4th of July, 1776, Thomas Jefferson drew up for the British colonies in America the declaration of their right, as organized communities, to decide for themselves the political conditions under which they would exist.

On the 20th of September, 1853, ex-Governor Marcy, of New York, as Secretary of State of the United States, under a Democratic administration, drew up and presented to the world another and a scarcely less memorable declaration.

In his reply, then made, to the demand of Austria for the surrender of Martin Koszta, a born subject of the Austrian Emperor as King of Hungary, who had taken part in the Hungarian insurrection under Kossuth, escaped to America and declared his intention to become an American citizen, Secretary Marcy once and once for all made an end of the European feudal doctrine of the indelible allegiance of the individual as impressed on him at his birth.

This was the Democratic doctrine of ex-Governor Marcy. This, we may be sure, will be the Democratic doctrine of President Cleveland. Great Britain, after an obstinate resistance of sixty years, found herself compelled in 1871, by the able diplomacy of another ex-Governor of New York, Mr. Hamilton Fish, formally to acquiesce in this Democratic doctrine.

# Our Foreign Policy.

## Importance of the Subject.

New foreign markets for our surplus products and manufactures is one of the most pressing demands of the day. The American people think that a century is enough for the adjustment of sectional rivalries, and that the time has now arrived when the public mind must not be limited to the consideration of home affairs. They believe that 2,000,000,000 consumers in the markets of the whole world will do more to relieve the farmer, the laborer, and the manufacturer than a limited home market of but 55,000,000 consumers.

An examination of our trade statistics shows the following remarkable, and we might say, startling and disgraceful facts, viz :

But *two per cent.* of our annual manufactures are sold abroad, notwithstanding there are fifteen sister Republics south of us on the American Continent, exceedingly deficient in and in need of manufactured articles of nearly every description.

About eighty per cent. of our exports are, on an average, the products of agriculture.

## Spanish-American Commerce.

Of our total annual exports, eighty per cent. go to Europe, and less *than five per cent.* to the fifteen Spanish-American Republics.

We allow the trade of those Republics to be monopolized by England, France, Germany and other European powers.

Recognizing the transcendent importance of a change in this respect, the Democratic Party has incorporated in its National platform, the following resolution :

“ We favor an American continental policy, based upon more intimate commercial and political relations with the fifteen sister Republics of North, Central and South America, but entangling alliances with none.”

The total annual imports of these Spanish-American Republics, and our share therein are, as stated in the last annual report of the State Department, as follows, in value :

	IMPORTS FROM ALL COUNTRIES.	IMPORTS FROM UNITED STATES.
Mexico.....	\$35,000,000	\$13,000,000
The five Central American Republics....	10,100,000	1,626,000
The nine South American Republics.....	147,067,000	14,500,000
Total.....	\$192,167,000	\$29,126,000

Our share therein 15 per cent.

Their total annual exports, and our share therein, are in value as follows :

	EXPORTS TO ALL COUNTRIES.	EXPORTS TO THE UNITED STATES.
Mexico .....	\$20,000,000	\$8,317,000
The five Central American Republics ....	14,328,000	2,905,000
The nine South American Republics.....	201,579,000	23,288,000
Total.....	\$235,907,000	\$34,510,000

Our share therein 14 per cent.

It will be observed from the above statistics that we supply *less than one-sixth part of their demand*, and buy from them but about one-seventh part of their surplus supply.

The present commerce of these countries is, however, but a drop in the bucket compared with the enormous proportions it is bound to assume in the immediate future, owing to the tidal-wave of material development and progress which has already extended as far south as the City of Mexico and is destined to continue throughout the length and breadth of the fourteen other Republics beyond. We, as a nation, cannot afford to sit still and see our European rivals reap the benefits of the coming commercial harvest.

The great value and importance of the Spanish-American trade is owing to the fact that those countries are in climate, resources, products, supply and demand, the reverse and complement of the United States. Commercial exchanges based upon such conditions are, therefore, most valuable, and in accordance with the fundamental laws of trade and political economy.

If we are ever to have new foreign outlets for our surplus manufactures they can best be found in these fifteen sister republics—countries in great need of railway iron and supplies, farming implements, wagons and carriages, cotton and woolen goods, boots and shoes, telegraph and telephone supplies, sewing machines, and the various other manufactures which we have to sell. As Senator Maxey of Texas, well said, in a recent speech in the United States Senate, in support of the bill to aid the World's Industrial Exposition at New Orleans: "The importance of securing the trade of Mexico and Central and South America cannot be over-estimated. We must have an outlet for our surplus manufactured productions, or the shutting down of mills, the placement of workmen on half time, the reduction of wages, and strikes will inevitably follow. We cannot hope for an extensive market for our manufactured products in Europe. The most inviting field is the country south of us."

But we do not wish to be understood as asserting that the foreign policy of the Democratic party will be limited to Spanish-America for its doctrine of "peace, commerce, and honest friendship with all nations—entangling alliances with none," is broad enough to include the whole world.

We have selected these countries because they are to-day the most important, and because they best illustrate the dangerous policy which Mr. Blaine inaugurated while Secretary of State.



## Dangerous Policy of Republican Party.

The nomination of Mr. Blaine as the standard-bearer of the Republican party, drew forth from the Press the following significant comments :

Those of the *Boston Herald* are of peculiar interest, for the reason that it is published in a city which has taken the lead in the railway development of Mexico. It says, editorially, June 27, as follows :

The criticism we make of Mr. Blaine's foreign policy is, that it was not well calculated to commend us to the South American countries, or to secure an increase of our trade with them. As a matter of fact, our unwise interference between Chili and Peru, as the sponsors of an absurd guano claim, secured for us the ill-will of both of those countries.

Mr. Blaine's policy did not seek peace and trade, or he did not know how to go to work to secure them. The conference of American republics was to be held in obedience to a call which excluded the consideration of commercial treaties.

What we need—what would tend to increase our trade with the countries of South America—is a comprehensive policy of quite another character from that of “jingo” and guano. We need commercial treaties with those countries. Especially we need to be represented in them by able, honest men, who know something about commerce, instead of broken-down party hacks and “bummers,” like Kilpatrick and Hurlbert, sent out by Mr. Blaine, and nearly all the official representatives of the United States in South America for fifty years.

The trade of South America is not to be secured by patronage and taffy, but by honest dealing and respectful treatment. The leading men of the South American states are alienated by the condescension of American politician-statesmen. It is their great grievance in dealing with this country, and they will never enter a conference, the apparent object of which is merely to glorify the United States.

Finally, there is no need of a conference, and there is no reason to suppose that it would lead to any important result. We need new commercial treaties and steamship lines, for the encouragement of which we are in favor of the most liberal policy.

In another editorial July 17th, the *Herald*, says:

It may be said that Mr. Blaine, in spite of his desire to inaugurate a brilliant policy, and in spite of the fact that no national policy is so brilliant as a war policy, would have the coolness and determination to resist temptation, and would neither seize on the Panama canal nor abrogate the Clayton-Bulwer treaty, if he thought that the peace of the nation would thereby be jeopardized. We place very little confidence in arguments of this kind, for the good and sufficient reason that, if Mr. Blaine is elected President, the men to whom he owes his nomination, and to whom he will owe election, will also dictate to him the policy which he is to pursue. He has been nominated because he is thought to be intensely and aggressively American, and, if he is elected, he cannot afford to, and will not, disappoint his admirers by proving to them that they have mistaken their man. We do not mean by this that the enthusiastic Republicans in the West would welcome a foreign war, but we do assert that the policy of which they approve would almost inevitably lead to that result, although at the present time we acquit them of having that conclusion in view in so strenuously advocating it. In intercourse between nations, a government cannot assert itself in an aggressive manner unless it is willing and prepared to follow up its demands with armed force. To make a demand, and to then back down from it when resistance is offered, is one of the most humiliating conditions into which a nation can fall, and yet the so-called American, or jingo, policy, for the development of which Mr. Blaine is pushed forward, is one which must lead us either to make demands and back them up with cannon and bayonet, or submit to ungracious snubs from those who are not disposed to yield what they consider their rights, unless they are compelled to do so by superior force.

From the Mississippi Valley, also, which is so deeply interested in the railway and commercial development of Mexico and the other states of Spanish America, comes an earnest protest against Mr. Blaine's foreign policy as illustrated by his acts while Secretary of State. In a speech, opening the campaign in St. Louis, Hon. James O. Broadhead said :

Taking a business view of the matter, Mr. Blaine ought to be peculiarly objectionable to the people of St. Louis and the whole Mississippi Valley. He has made himself

obnoxious to our sister republics that lie south of us at a time when we are about to cultivate extreme friendly commercial relations with them. They fear his election because they fear it will bring disaster to them, and they have in various ways already given expression to these fears. During the short time Mr. Blaine was Secretary of State under Garfield, he alienated the good will of Mexico and one of the South American republics by his course toward them as Secretary of State. He attempted to interfere in the difficulties between Chili and Peru \* \* \* \* and nearly succeeded in goad-  
ing the republic of Chili into a declaration of hostilities toward us.

It is our interest, not only the interest of St. Louis and the Mississippi Valley, but of the whole country, to secure the commerce of these sister republics. The imports of these countries amount annually to nearly \$500,000,000. We supply only one-sixth of this amount. We ought to supply nearly all of it. They need our manufactures—particularly the manufactures of the Western States. We need their raw materials. This trade ought to be secured by treaties of reciprocity, but the platform of the Republican party asserts that the duties on raw materials ought not to be abated. Unless they are abated we cannot build up a profitable export trade in manufactured articles.

Our true policy is that of peace. We want no war with our sister republics. They followed our example. They were born in the same atmosphere of freedom with ourselves and the course of humanity and justice, as well as our own commercial interests, require us to keep friendly relations with them.

Mr. Blaine is not our candidate. He antagonizes the interests of the people of this great valley.

Again, in a letter by the Hon. James Speed of Kentucky, who was Attorney-General in President Lincoln's Cabinet, we find the following :

The foreign relations of this country are pretty much in the hands of the President. During the short time Mr. Blaine acted as Secretary of State he exhibited such a view of international law as to make me believe that, should he be elected President, if he would not plunge us into needless foreign difficulties he would bring our diplomacy into disrepute and make us the laughing stock of the civilized world. No personal magnetism or brilliant sentences can compensate for such a blunder. To vote for him would be like voting against the peace and honor of my country. I cannot do that at the bidding of the Republican party.

These are but a few of the many adverse criticisms, from various parts of the United States, and from abroad of Mr. Blaine's foreign policy while Secretary of State. What, then, are the acts which call forth this condemnation.

### The Chili-Peru Affair.

The voluminous record of the troubles between Chili and Peru, of the guano claims, which were so vigorously prosecuted by Mr. Blaine while Secretary of State, and of other matters in dispute between those Republics is too lengthy to reproduce in this connection. We can only give a few significant facts to illustrate the officiousness and dangerous drift of Mr. Blaine's course.

In February, 1882, the following resolution was adopted by the House of Representatives :

*Whereas*, it is alleged in the Chili-Peruvian correspondence recently and officially published, upon the call of the two Houses of Congress, that one or more ministers plenipotentiary of the United States were either personally interested or improperly connected with business transactions in which the intervention of this Government was requested or expected ; and

*Whereas*, it is further alleged that certain papers in relation to the same subjects have been improperly lost or removed from the files of the State Department : Therefore,

*Resolved*, That the Committee on Foreign Affairs be, and they are hereby, instructed to inquire into the said allegations, and ascertain the facts relating thereto, and report the same, with such recommendations as they may think proper, and they shall have power to send for persons and papers.

In March, 1882, the following further resolution was adopted by the House :

*Resolved*, That the Committee on Foreign Affairs be directed to demand from Jacob R. Shipherd of New York, copies of all correspondence between himself and

any person or persons whatsoever, and all papers and other evidence in his possession tending to show what said Shipherd did or attempted to do to enforce the claim of the Peruvian Company or to induce the United States to enforce this claim against Peru.

Under the authority of these resolutions the Committee entered into an extended investigation.

The minority report of Hon. Perry Belmont is as follows :

"The undersigned concurs in the general conclusions of the foregoing report of the committee, excepting so far as they are qualified by his statements in a speech delivered by him in the House, July 5, 1882. He also submits the following statement in regard to the Landreau claims :

"The claim is for services alleged to have been rendered by Theophile Landreau, a Frenchman, and amounts to a sum variously stated from seven millions three hundred thousand to one hundred and twenty-five millions of dollars. Precisely what those services were, or what amount of time, trouble, and money were expended in giving them, is not shown. The claimant and his friends confine themselves to vague and general allegations that they were very costly to him and important to the Government of Peru. They consisted in searching for deposits of guano. He did not begin this search nor prosecute it at the special request of the Peruvian Government, nor in pursuance of any contract or employment. He alleges that he undertook it because he was attracted by certain decrees and proclamations offering a reward of thirty-three per cent. for discovering property previously unknown and belonging to the government. He professed to believe and to have the private opinion of some distinguished Peruvian, whom he did not name, that he could, under these decrees and proclamations, entitle himself to the reward of thirty-three per cent. if he ascertained that any particular part of the public land contained guano. This was not a true construction of the decree, and he was probably conscious of it. He conducted his searches clandestinely, and whatever discoveries he made he kept to himself. Having made a "list" of the lands on which he said that he had found guano, and sealed it up, he offered to sell his secret to the government. It was bought, or at least a bargain was made for it, upon terms which would give the claimant an enormous fortune if his list was a true one. He alleges that the property on which he had found guano was worth four hundred millions. The government refused to pay on the basis of this list until it was verified by an examination of the lands, and declared that Landreau's demand was so large that it could never be paid ; but they were willing to pay him what he might reasonably deserve to have. They insisted, however, that they must be allowed time to examine the whole subject, with a view to the making of a new contract. This proposition was resented as a denial of justice. Much dispute followed, and a solemn declaration was made by the executive branch of the government that the contract was void. It does not appear that there was any absolute refusal to pay for the services which Landreau rendered, but the parties did not agree on the terms of a new bargain.

"This action of Peru gave rise to much harsh denunciation. Landreau and his supporters in that country and elsewhere loudly asserted that the government had contracted the guilt and infamy of a repudiating State. To the undersigned it does not appear so. What they refused to pay was not an ascertained and honest debt.

"The fact that Landreau thrust his services upon the Peruvian government ; that he gave the public authorities no notice of his intentions ; that he made no report to them of his progress ; that when the bargain was made the government was utterly ignorant of the subject matter it embraced ; that the officers consenting to it had no means of knowing what Landreau would claim under it except by reference to papers which were then close under seal and which Landreau would not permit them to open—these facts show it to have been at best a catching bargain, not sanctioned by any principle of public law or commercial morality. But, apart from all this, the enormous disparity between the services rendered and the compensation claimed for them under the contract is *per se* evidence of fraud so strong that no chancellor in the world would enforce it in a suit between private parties. The proper authorities were, therefore, perfectly justified in pronouncing the contract void.

"This decision upon the contract was made by the executive branch of the Peruvian Government ; the legislature, being appealed to, refused to say it was wrong ; and when the judicial courts were called upon by the claimant to enforce the contract they decided that they had no jurisdiction of such a cause. Undoubtedly the courts were right. No law of Peru gave the judiciary power to cite the Executive before it and rejudge its decision in such a case. In that country, as in this and every other, the decision of the Executive is final in matters of contract between the sovereign and an

individual, except where some special provision submits it to the cognizance of a judicial tribunal.

"The claimant got a decision from the Executive. It was a right and true determination of the cause, and he falsely complained that justice was denied him. Justice was not denied him; it was given him by the only organ of the government which had jurisdiction of the parties or the subject-matter in controversy.

"After the decision of the Executive against him and the refusal of the legislature to interfere, and his failure in the courts, he applied to his own government—that of France—to aid him in getting his claim acknowledged and paid. But here he was met by his own express agreement that he should forfeit his claim if he proceeded or attempted to procure the diplomatic intervention of any foreign government in its favor. It will not be denied that this was a perfectly lawful provision, which could not be violated without incurring the stipulated penalty. It was a dependent covenant, and therefore an essential part of the contract. It was wise, necessary, and just to insert it. Peru was willing to make contracts with foreigners who would consent to put themselves on a level with her own citizens, but she would not embroil herself with foreign governments about the execution of contracts which concerned her own domestic affairs exclusively. The conclusion from this is that Landreau forfeited and completely lost whatever rights he might previously have had under the contract when he violated it by seeking the aid of France. But the government of France refused to interfere, either because its authorities saw that intervention would be *ipso facto* the legal destruction of the claim, or else because it was, in their opinion, originally dishonest and unjust. Yet Landreau pressed it upon them so persistently that it became necessary for the foreign office to instruct its diplomatic agents in Peru to have no communication with him.

"Being thus silenced by the adverse judgment of both Peru and France, the device was adopted of getting American influence to carry it. It might be supposed that the United States would be very slow to give its protection to a French claim of such character and with such a history. The pretenses upon which this was effected were very shallow.

"It seems that John C. Landreau, a younger brother of J. Theophile Landreau, had come to America when about eighteen years of age, and was living in Louisiana. Our authorities believed him to have become an American citizen, but that fact is doubtful; for though he had a certificate of naturalization and was appointed to a consulate in the West Indies, which a foreigner could not hold, the records of the court in which he was said to have been naturalized contain no trace of such an act. However that may be, John C. Landreau was alleged, both by himself and his brother, to have an interest in the claim which made it the duty of the American Government to prosecute it.

"What connection had John C. Landreau with the claim of Theophile? None whatever that could justify or even excuse us for intervening. Certain letters between the brothers are produced which, if authentic and written at the time of their date shows that Theophile told John while he was prosecuting his searches for guano, what he was engaged in and how largely he hoped to profit by it. "For my part," he adds, "I take you for my partner and wait with anxiety for the five thousand dollars you promised to send me." Subsequently he acknowledges the receipt of six thousand two hundred and fifty dollars previously promised. On what account this remittance was made is not shown, but it was manifestly not a contribution of John to the capital of any partnership in Theophile's Peruvian adventure. There was never any agreement between them which bound John to share losses, or which entitled him to profits. Theophile prosecuted the business alone; there was no privity of contract between John and Peru; John was wholly unknown to that government, and his name was never mentioned in any of its dealings with Theophile.

"If we assume that John was an American citizen and that he had a secret interest in Theophile's contract by virtue of some unknown arrangement between themselves, is it not still preposterous to say that these facts would metamorphose the Frenchman's case into an American claim? At the beginning it was a French claim, if anything. France pronounced it unworthy of support. Did the claimant change his civic relations or the nationality of his demand by simply revealing the fact that a naturalized citizen of the United States had a secret interest in the success of the speculation?

"But notwithstanding the obvious impropriety of our intermeddling with this bad claim of a French adventurer, its supporters were ingenious enough to convince the State Department that we ought to do so. Mr. Fish, who at first would have nothing to do with it, was induced to say at a later period that it appeared to deserve examination; the officer whose duty it was to report upon its merits expressed an opinion strongly in its favor; a committee of this House went the length of instructing the President to prosecute it, by a joint resolution, which, however, failed to pass the Senate. Mr. Blaine, regarding the judgment of his predecessors as conclusively binding on him, and believing he



could not go behind what he called the adjudication of this House, went in fact a long step beyond that.

"In all the discussions of the subject, American officers conducting them have ignored the fraudulent character of the original contract; the manifest justice of the decision made against it by the executive branch of the Peruvian government; the finality of that decision under the laws of Peru; the absolute renunciation expressed in the contract itself of all right to call in the aid of any foreign government; the refusal of the claimant's own government to support him in his demands, the absurdity of calling this an American claim merely because an American citizen was supposed to have a secret interest, not in the claim itself, but in the successful prosecution of it by a foreigner, and the total absence of all proof to show the existence even of that indirect interest. Overlooking these facts, and listening only to accusations against Peru, as false as they were vague, the authorities of this government became worked up to the point of asserting in solemn diplomatic form that Peru was bound in duty and honor either "to supply an impartial tribunal, extend the jurisdiction of the present courts, or else submit the case of Landreau to arbitration." Peru was addressed in this decisive style upon the subject of Theophile Landreau's false claim, after it was adjudicated against him by the only Peruvian tribunal which had any right to decide it, and after the government of France had resolutely and most emphatically refused to give it the slightest countenance. In the same dispatch the Secretary of State instructs the Minister at Lima not only to call the attention of the Peruvian government to "this injustice," but directs the Minister to say "that the United States will expect some adequate and proper means to be provided by which Landreau can obtain a judicial decision upon his rights." The minister is further instructed as follows: "As it may be presumed that you will be fully informed as to the progress of negotiations between Chili and Peru for a treaty of peace, you will make such efforts as you judiciously can to secure for Landreau a fair settlement of his claim."

"But this is not all. Anticipating that in a treaty of peace between Chili and Peru the latter might be compelled to surrender a portion of her territory, including possibly the guano deposits of which Landreau claimed to be the discoverer, he declared that the treaty should stipulate "for the preservation and payment to Landreau of the amount due under the contract."

"The Secretary, speaking for and in the name of the President, goes further. He declares that if a transfer of territory be made to Chili it shall be understood that Landreau's claim must be treated as a *prior lien*, and that Chili accepts the cession with that *condition* annexed. We do not suppose that the word *lien* is used here in its proper legal sense. The author of the dispatch meant to say that Chili must be made to take an estate in the territory subject to a paramount title in Landreau for such part as his claim covered; that the treaty must recognize Landreau's rights as being superior to those of the high contracting parties and *prior* to all others; and that Chili must not satisfy her own claim for expenses of the war without first indemnifying Landreau for the failure of his speculation upon Peru.

"This was certainly taking very high ground, and the Secretary of State expresses the determination of this government to hold it firmly; for he instructs the minister in conclusion: "You will *take especial care to notify* both the Chilian and Peruvian authorities of the character and status of the claim, in order that *no definitive treaty of peace* shall be made in disregard of the rights which Landreau may be found to possess."

"These acts of the State Department and of the minister are said in some quarters to be unofficial. When a minister plenipotentiary, in pursuance of express instructions from the Secretary for Foreign Affairs, comes between the authorities of two belligerent nations negotiating for peace with a *notification* addressed to both for the avowed purpose of preventing a treaty to which otherwise they might consent, it is impossible to say that the proceeding is unofficial. If the minister had violated his instructions by neglecting or refusing to give the notification, would he not have been justly chargeable with a breach of his official duty?

"In the case of a contract between a citizen of one country and the sovereign of another, the government of the private party has no right to do more than communicate the facts and express its opinion upon their effect. This is the exercise of good offices. Did we confine ourselves to good offices when we threw Landreau's claim between Peru and her victorious enemy, "so that no definitive treaty of peace should be made" without a provision for its ultimate satisfaction? Peru was engaged in a disastrous war, and we notified her that she should make no peace without settling Landreau's claim. Would we have proposed terms more harsh than these if we had threatened her with a war of our own? These were not good offices, not the impartial advice of a friendly mediator, but the urgency of a power intent upon forcing from her distress what her sense of justice had denied.

"Chili was as much averse to this proposed American basis of a treaty as Peru. Neither of them was willing to have anything to do with Landreau or his exploded fraud. It could not be expected that the successful belligerent would share the fruits of victory with him, nor would the conquered country voluntarily diminish its means of buying off the invaders of its soil. It was perfectly natural, therefore, that both parties to the war should reject the proposition with indignation."

"The dispatches of August 4 and December 16, 1881, say, in words too plain to be misunderstood, that no treaty could or should be made with the approbation of the United States unless it contained a stipulation in favor of Landreau. The words admit of no other construction. In the dispatch of August 4 the belligerents are to be notified that no definitive treaty shall be made in disregard of Landreau's rights. Did these words signify nothing? If they had a meaning, what was it? It is not possible to understand them except as an expression of our determination to look with extreme disfavor upon any adjustment of the troubles between Peru and Chili which would not promote the interests of Landreau. It was a palpable effort to make Landreau a party to the treaty. Whatever concessions might be made by one of the belligerents to the other, our influence was to be used that both would yield to Landreau."

"The disgrace brought upon our government by producing this unjust demand at such a juncture of affairs was wholly without a shadow of excuse, even if the claimant had been entitled to our protection. But he was a French citizen, for whose fortunes, good or bad, we were in no way responsible."

"We volunteered to take up the case of this extravagant stranger after his own government had cast it off. The Secretary did not see this important point correctly—most likely did not advert to it all—therefore he called it "this claim of an American citizen," which is a very confusing mode of speech. It was exclusively the claim of Theophile Landreau, who is not, and does pretend to be, an American citizen. If it be said that John C. Landreau is an American citizen, the answer is obvious that it was no claim of John's, for it is not founded on any contract or agreement with him, express or implied, and had not its origin in any transaction to which he was a party."

"The United States had a deep interest in bringing about a peace between Peru and Chili. As the leading power on this continent, our government was naturally looked to with the respect which national power always inspires, and it might easily have maintained the ascendancy to which it was entitled. But when the belligerents perceived that, instead of counseling moderation and justice, our authorities were to use their influence to import false and foreign elements into the negotiations, all confidence in our friendly intervention was destroyed."

We also invite attention to the following extract from one of Mr. Blaine's letters to Mr. Hurlburt (Aug. 4, 1881), particularly the last paragraph:

"While this government will not, as at present informed, undertake to construe the contract or to decide upon the extent of the compensation due Landreau, you are instructed to call the attention of the Peruvian Government to this injustice, and say that the Government of the United States will expect some adequate and proper means to be provided by which Landreau can obtain a judicial decision upon his rights. If the constitution of the Peruvian courts or the interpretation of the law by Peruvian judges deprives Landreau of the justice which the contract itself guaranteed him, then, in the opinion of this government, Peru is bound in duty and in honor to do one of three things, viz: Supply an impartial tribunal, extend the jurisdiction of the present courts, or submit the case of Landreau to arbitration. I desire also to call your attention to the fact that in the anticipated treaty which is to adjust the relations of Chili and Peru, the latter may possibly be compelled to submit to the loss of territory."

"If the territory to be surrendered should include the guano deposits which were discovered by Landreau, and for the discovery of which Peru contracted to pay him a royalty upon the tonnage removed, then the Peruvian Government should in the treaty stipulate with Chili for the preservation and payment to Landreau of the amount due under his contract. If transfer be made to Chili it should be understood that this claim of an American citizen, if fairly adjudicated in his favor, shall be treated as a proper lien on the property to which it attaches, and that Chili accepts the cession with that condition annexed. As it may be presumed that you will be fully informed as to the progress of the negotiations between Chili and Peru for a treaty of peace, you will make such effort as you judiciously can to secure for Landreau a fair settlement of his claim. You will take special care to notify both the Chilean and Peruvian authorities of the character and status of the claim in order that no definitive treaty of peace shall be made in disregard of the rights which Landreau may be found to possess."

In this connection the following testimony of Mr. Blaine before the committee, in response to questions by Mr. Belmont, becomes of interest :

Mr. BELMONT—Or either of them, because Mr. Trescott at that time was proceeding to Chili and Peru. Was not the effect of those instructions that General Hurlbut should take special care to inform both the Chilean and Peruvian authorities of the character and status of the claim of J. C. Landreau, in order that no definitive treaty of peace should be made in disregard of the rights which Landreau might be found to possess?

The WITNESS—Yes.

Q. Was not the effect of those instructions to require General Hurlbut to insist that Chili should stipulate, in a treaty of peace, that if it should be decided by the Peruvian Government that J. C. Landreau had a lien on any territory ceded to Chili, that Chili should thereupon recognize that lien?—A. Yes; that he should make that request.

Q. If Chili had refused to make such stipulation, would not General Hurlbut have been bound to resist, to the extent of his influence, the signing of a treaty of peace without the stipulation?

The WITNESS—What had he to do with the signing?

Mr. BELMONT—I have not finished. Now, Mr. Blaine, without any more nonsense—

The WITNESS—Well, I am very glad to hear that, Mr. Belmont; I am very glad to hear it, indeed.

Mr. BELMONT—Now, will you answer the question?

The WITNESS—If you will state it again I will.

Q. I ask if Chili had refused to make such stipulation, would not General Hurlbut have been bound to resist, to the extent of his influence, the signing of a treaty of peace without the stipulation?—A. Yes, sir.

Q. He would?—A. Yes, sir. I admit that he ought to have used all his influence to prevent a treaty of peace that should shut out the rights of an American citizen.

Q. You say that he would?—A. Yes, sir. He would have been censurable if he had not.

Q. Well, you have given the answer I was seeking.

In further illustration of Mr. Blaine's officiousness, we quote as follows from his letter of instructions (Dec. 1, 1881) while Secretary of State to Mr. Trescott, whom he was about sending on a mission to South America :

“In giving the support of recognition to the Calderon government, so far was this government from doing what could be considered an unfriendly act to Chili that it was, in fact, giving aid to the very policy Chili avowed, and which, in the opinion of competent judges, was the only method of reasonable solution. And this conclusion of the government was strengthened and confirmed by the information which was transmitted to the department by Gen. Kilpatrick, United States Minister to Chili. \* \* \* As soon as the facts indicated the possibility of real and independent vitality in the constitution of the Calderon government, the Chilean authorities issued an order forbidding any exercise of its functions within the territory occupied by the Chilean army that is within the entire territory west of the mountains, including the capital and ports of Peru. Unable to understand this sudden and—giving due regard to the professions of Chili—this unaccountable change of policy, this government instructed its minister at Lima to continue to recognize the Calderon government until more complete information would enable it to send further instructions. If our present information is correct, immediately on receipt of this communication they arrested President Calderon, and thus, as far as was in their power, extinguished his government. The President does not now insist on the inference which this action would warrant. He hopes there is some explanation which will relieve him from the painful impression. It was taken as a resentful reply to the continued recognition of the Calderon government by the United States. If, unfortunately, he should be mistaken, and such motive be avowed, your duty will be a brief one. You will say to the Chilean government that the President considers such a proceeding as an intentional and unwarranted offence, and you will communicate such an avowal to the Government of the United States, with the assurance that it will be regarded by the Government as an act of such unfriendly import as to require the immediate suspension of all diplomatic intercourse.

“Should the Chilean Government, while disclaiming any intention of offence, maintain its right to settle its difficulties with Peru without the friendly intervention of other powers, and refuse to allow the formation of any government in Peru which does not pledge consent to the cession of Peruvian territory, it will be your duty, in language as



strong as is consistent with the respect due an independent power, to express the disappointment and dissatisfaction felt by the United States at such a deplorable policy.

\* \* \* \* \*

"The United States, with which Peru has for many years maintained most cordial relations, has a right to feel and express deep interest in its distressed condition, and while with equal friendliness to Chili, we will not interpose to deprive her of the fair advantages of military success, nor to put any obstacle to the attainment of future security, we cannot regard with unconcern the destruction of Peruvian nationality. If our good offices are neglected, and this policy of the absorption of an independent state be persisted in, this Government will consider itself discharged from any further obligation to be influenced in its action by the position which Chili has assumed, and will hold itself free to appeal to other republics of this continent to join it in an effort to avert consequences which cannot be confined to Chili and Peru, but which threaten with extremest danger the political institutions, peaceful progress, and liberal civilization of all America."

#### Boundary Between Mexico and Guatemala.

Mr. Blaine's officiousness in matters in dispute between the two sister republics, Mexico and Guatemala, may be seen from the following extracts from official correspondence between him, while Secretary of State, and Mr. Morgan, the United States minister at the City of Mexico.

In a letter to Mr. Morgan under date of June 16, 1881, Mr. Blaine wrote :

"Without, therefore, in any way prejudging the contention between Mexico and Guatemala, but acting as the unbiased councillor of both, the President deems it his duty to set before the government of Mexico his conviction of the danger to the principles which Mexico has so signally and successfully defended in the past which would ensue, should disrespect be shown to the boundaries which separate her from her weaker neighbors, or should the authority of force be resorted to in establishment of rights over territory which they claim, without the conceded justification of her just title thereto. And especially would the President regard as an unfriendly act toward the cherished plan of upbuilding strong republican governments in Spanish America, if Mexico, whose power and generosity should be a like signal in such a case, shall seek or permit any misunderstanding with Guatemala, when the path toward a pacific avoidance of trouble is at once so easy and so imperative an international duty."

In another letter to Mr. Morgan, June 21, 1881, Mr. Blaine wrote :

"This is a matter touching which the now-established policy of the government of the United States to refrain from territorial acquisition gives it the right to use its friendly offices in discouragement of any movement on the part of neighboring states which may tend to disturb the balance of power between them. More than this, the maintenance of this honorable attitude of example involves, to a large extent, a moral obligation on our part, as the strong but disinterested friend of all our sister states, to exert our influence for the preservation of the national life and integrity of any one of them against aggression, whether this may come from abroad or from another American republic, by his government to avert a conflict with Guatemala by diplomatic means, or, these failing, by resort to arbitration. And you will especially intimate, discreetly but distinctly, that the good feeling between Mexico and the United States requires, and will be fortified by a frank avowal that the Mexican policy toward the neighboring states is not one of conquest or aggrandizement, but of consideration, peace and friendship."

In a letter from Mr. Morgan to Mr. Blaine, July 12, 1881, he thus alludes to an interview had with Mr. Mariscal, Secretary of State of Mexico :

"In reply to the suggestion of the arbitrament of the President of the United States, he replied that whatever Mexico might be willing to accede to in the future, there was nothing at the present moment to arbitrate about. He said that Mexico had proposed to Guatemala to renew the convention for the appointment of a commission to survey the tract of country which was in dispute, that the question of the appointment of such a commission was pending, and that until that question should be decided there was, in reality, no dispute to submit to an arbitrator. He also declared that if there had been any delay in the appointing of such a commission, the fault was altogether with Guatemala. He also said that troops had been sent to the frontier, as the President had announced in his message to Congress, but that they were sent there for the purpose of protecting Mexican citizens, and not with any view of making war upon Guatemala.



Mr. Mariscal was very earnest in his denials of any cause of complaint on the part of Guatemala, and as to the want of any necessity of an arbitration, so much so, that I deemed it proper, in order that there might be no possible question hereafter, either as to the letter or the spirit of your instructions, or their interpretation by me, to read Senor Mariscal your dispatch, and offered to send him a copy thereof, which he accepted, and which I did."

In a letter from Mr. Morgan to Mr. Blaine, July 19, 1881, is the following allusion to another interview with Mr. Mariscal :

"Senor Mariscal manifested something of excitement, I thought, and interrupted me by repeating the complaints which Mexico had, as he said, just grounds to make against Guatemala ; of her want of fair dealing, and, in fact, duplicity in pretending to negotiate a convention with him for the appointment of commissioners to survey the strip of territory which was in dispute, with the view of finally settling the boundaries between the two countries, while she had been secretly attempting to obtain the interference of the United States in their disputes, thus rendering the appointment of a commission unnecessary. He insisted upon it that it was Guatemala that had committed acts of aggression upon Mexico, instead of Mexico upon Guatemala."

In a letter from Mr. Morgan to Mr. Blaine, August 11, 1881, he again refers to an interview with Mr. Mariscal, as follows :

"Senor Mariscal said that he would not say that Mexico would altogether refuse the arbitration proposed, but that there were some points of difference between the two countries which could not, under any circumstances, be submitted to question."

In a letter from Mr. Morgan to Mr. Blaine, September 22, 1881, he draws the following significant conclusion, after reporting an interview with Mr. Mariscal :

"Senor Mariscal reiterated that if there should be a war with Guatemala it would be Guatemala's fault. He admitted that the course pursued by the United States was friendly in its character, although he persisted in saying the facts of the case had been misrepresented by Guatemala to you.

"We parted on the best of terms, but he left me more than ever convinced that nothing would prevent a war between the two countries unless a positive position was taken by the United States, and I venture to suggest that unless the Government is prepared to announce to the Mexican Government that it will actively, if necessary, preserve the peace, it would be the part of wisdom on our side to leave the matter where it is. Negotiations on the subject will not benefit Guatemala, and you may depend upon it that what we have already done in this direction has not tended to the increasing of the cordial relations which I know it is so much your desire to cultivate with this nation."

Upon Mr. Blaine's reply to the letter from which we have just quoted, officiousness is indelibly stamped. In it under date of November 28, 1881, he says :

" 'To leave the matter where it is' you must perceive is simply impossible, for it will not remain there. The friendly relations of the United States and Mexico would certainly not be promoted by the refusal of the good offices of this Government tendered in a spirit of most cordial regard both for the interests and honor of Mexico, and suggested only by the earnest desire to prevent a war useless in its purpose, deplorable in its means, and dangerous to the best interests of all the Central American republics in its consequences. To put aside such an amicable intervention as an unfriendly intrusion, or to treat it, as I regret to see the Mexican secretary for foreign affairs seems disposed, as a partisan manifestation on behalf of claims which we have not examined and interests which we totally misunderstand certainly cannot contribute 'to the increasing of the cordial relations which you know it is so much our desire to cultivate with Mexico.' "

"If this Government is expected to infer from the language of Senor Mariscal that the prospect of such a result is not agreeable to the policy of Mexico, and that the interest which the United States has always manifested in its consummation renders unwelcome the friendly intervention which we have offered, I can only say that it deepens the regret with which we will learn the decision of the Mexican Government, and compels me to declare that the Government of the United States will consider a hostile demonstration against Guatemala, for the avowed purpose or with the certain result of weakening her power in such an effort, as an act not in consonance with the position and character of Mexico, not in harmony with the friendly relations existing between us, and injurious to the best interests of all the republics of this continent."

In a letter from Mr. Morgan to Mr. Blaine dated Mexico, November 2, 1881, is the following significant paragraph :

“The subject is on every tongue. It is constantly discussed by the press, and I feel it my duty to say that nothing has occurred since I have been here which has excited so much bad feeling against us as this proffer of arbitration. Say what I may to the contrary, it is considered as a menace.”

In Mr. Blaine's recent letter of acceptance, he has a new foreign policy of the Quaker style. The question naturally arises, which will be his policy if elected President—that pursued while Secretary of State or that announced for campaign purposes? On the theory that acts speak louder than words, the intelligent and conservative citizen will hesitate a long time before voting for one whose well known officiousness, rashness, and audacity are anything but safeguards against foreign complications.

Citizens of the United States have already spent upwards of \$50,000,000 in the construction of Mexican railways, and they do not wish their business interests disturbed by needless animosities between the two countries.

### **Conservative Policy of the Democratic Party.**

The Democratic foreign policy is inherited from the sentiments of Washington and Jefferson.

In Washington's farewell address to the people of the United States was the following excellent advice :

“The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connexion as possible. \* \* \* It is our policy to steer clear of permanent alliances with any portion of the foreign world.”

The doctrine laid down in Jefferson's inaugural address was as follows :

“Peace, commerce, and honest friendship with all nations—entangling alliances with none.”

# Honest Money for Honest Labor.

## Speech of Hon. Abram S. Hewitt.

In a speech in the House of Representatives, April 1, 1884, Hon. Abram S. Hewitt, of New York, said :

I agree with the gentleman from Maine [Mr. Dingley] in his proposition that this House shall not sanction by any act the increase of the coinage of the standard silver dollar. But I go further than the gentleman from Maine. I think the time has come when this House should put its seal of condemnation upon the coinage of one single additional standard dollar. My friend from Missouri [Mr. Bland] has achieved, I was going to say immortality, but certainly great renown, by having identified himself with a measure which according to his view has made 85 cents' worth of silver equivalent in value to \$1. He has done that by act of Congress, and he has done it on the principle of lifting ourselves by our shoulder-straps. Such experiments must always fail. If they could succeed, then my friend from Missouri has discovered the philosopher's stone which would enable us hereafter to dispense with all human efforts and to provide ourselves with all the comforts and luxuries of life by a simple act of Congress.

The gentleman from Missouri now comes into the House with another proposition, which suggests the old nursery rhyme of Mother Goose :

There was a man in our town  
And he was wondrous wise,  
He jumped into a bramble bush  
And scratched out both his eyes.

And when he found his eyes were out,  
With all his might and main,  
He jumped into another bush  
And scratched them in again.

[Laughter.]

The proposition which the gentleman now makes to this House is the proposition of free coinage for silver. By the restricted coinage which goes on under his bill of \$2,000,000 per month the Government is making on paper as he said \$300,000 of profit per month. By opening the mints to unrestricted coinage he would give up the nominal profit to the Government of \$300,000 per month and transfer a real profit of 15 per cent. into the pockets of those who shall be fortunate enough to get in first through the open doors of the mint with their silver bullion. Now, Mr. Speaker, let us apply to this novel proposition the test of fact and of simple principle.

The unit of value by law in the United States is the gold dollar, weighing 25.8 grains.

Mr. WARNER, of Ohio—When was it made so ?

Mr. HEWITT, of New York—I am merely stating a fact, and in the time I have I do not wish to be interrupted. It was in 1854 that that was done. Now at 25.8 grains to the dollar an ounce of gold is worth \$18.60. By law the relative coinage value of gold and silver is as one to sixteen. Therefore the coinage value of the ounce of silver is \$1.16½. We are able to go into the market to buy an ounce of silver at \$1.01, and, taking the average of the last year, we are buying at a little less now than \$1.01 per ounce.

What is the proposition of the gentleman from Missouri? That for the silver which we can buy in unlimited quantities in this or any other market in the world for 101 cents per ounce, he would pay out of the treasury of this nation 116½ cents per ounce. In other words, he would give to every man who brings an ounce of silver to be coined 15

cents more in coin than the market value of that silver, and 15 cents more per ounce than it is or can be bought for by the Government for coining purposes.

Mr. BLAND—Will the gentleman yield for a moment?

Mr. HEWITT, of New York—I cannot, for I have but a limited time.

Mr. BLAND—I am glad that I was more polite to the gentleman than he is to me.

Mr. HEWITT, of New York—I will yield all my time to the gentleman.

Mr. BRAND—I do not want it.

Mr. HEWITT, of New York—I will yield all my time.

Mr. BLAND—I yielded to the gentleman.

Mr. HEWITT, of New York—Yes; but the gentleman had an hour, while I have but fifteen minutes.

Mr. BLAND—I will not interrupt the gentleman.

### Result of Free Coinage.

Mr. HEWITT, of New York—The controversy is one of fact. What would happen? Of course all the world who are now trying to sell silver for 101 cents per ounce will come to our mints, where they could sell it for 116½ cents per ounce. It will be “the devil take the hindmost” in the rush to sell silver for 15 cents per ounce more than its market value.

And under his proposition the Government must take the silver and pay that rate for it. I suppose the gentleman from Missouri would provide a bullion fund for this purpose. Has he ever considered the magnitude of the bullion fund which would have to be provided? There is supposed to be in existence in the world \$6,000,000,000 of silver; and the holders of the whole of that \$6,000,000,000 would rush to our mints under the gentleman's proposition. And if we were to buy it all and keep the mints open the bullion fund which we would have to provide would have to be on the scale of magnificence proportioned to so vast an operation. It would certainly provide an outlet at once for the idle and useless fund of \$126,000,000 of silver dollars now stored at great expense in the Treasury.

But no such thing would happen; the limitation would be the coinage capacity of our mints. To the extent of the coinage capacity of our mints, which would probably not much, if any, exceed the silver production of this country, which is about \$40,000,000 worth per annum, the Government would be giving 15 per cent. more than the market value of silver bullion in this or any other markets in the world.

What is the next step? Every man who had thus received 116 cents per ounce for that which is worth in the markets of the world only 101 cents per ounce would hasten to put it into some form of useful value. First of all he would prefer gold, for gold will buy everything else in every market in the world. The consequence would be that the rush for gold would immediately raise it to a premium, and the limit of that premium will be just the difference in the bullion value of silver and gold. In other words, the premium would be 15 per cent., because, as everybody knows, gold and silver are dealt in by the money-brokers all over the world on a margin of one-eighth of 1 per cent.

Then, when gold went up to a premium, the next rush would be to buy commodities with silver dollars on the old standard of values, and the price of commodities would all advance. They are bought and sold to-day at gold value, but the price would then advance with the premium on gold, and they would thereafter be sold at silver values. In other words, all the necessities of life would be rapidly advanced until they would purchase as much gold as they did before the premium existed.

### Wages of Labor.

Then the workingman who receives his wage of one or two dollars per day, as the case may be, and to whom the rise always comes last and sometimes never comes, would be compelled to buy his supplies at 15 per cent. advance. This measure, therefore, would operate as a deduction from the wages of labor of just 15 per cent.

Then what next would happen? I shall be told that this proposition would enable the poor man to pay his debts at 15 per cent. deduction from what he had agreed to pay; that this is sound in principle and a most beneficent feature of the plan. In resisting it I shall be told that I represent the capitalistic class and am the organ of Wall street. Now, the rich man knows how to take care of himself. The poor man does not know and can not know how to take care of himself, and we are sent here as far as possible to take care of him, and it is for that reason I strive to-day to expose the fallacy of a proposition which can only have the effect of making the rich richer and the poor poorer.

I resist, then, this proposition of the gentleman from Missouri, because, in the first place, it would rob the poor man of 15 per cent. of his present wages, measured by its



purchasing power; and in the next place it would rob him of 15 per cent. of the hard earnings which he has saved against a rainy day. The rich men hold property which would rise in value with the premium on gold. They hold bonds of railroad companies, which by the letter of the contract are made payable in gold.

### Savings of the People.

But all debts not payable in gold would be solvable in silver. Where are those debts, and to whom do they belong? The great lenders of this country are the savings-banks, the mutual insurance companies, and the incorporated companies which hold in trust the savings of the poor and the earnings of labor. Their loans are made payable in lawful money, and will be paid off in the depreciated silver which will follow its free and unlimited coinage, for in the end the silver coins can have no greater value than the market price of the bullion from which they are coined.

Therefore, when this depreciation of 15 per cent. takes place all the loans made by savings banks, trust companies, and mutual insurance companies, amounting to more than \$100,000,000, representing the earnings of professional men who live upon salaries, the savings of clerks, the sole provision for widows and orphans would be payable in silver, to the loss in my city and in my district of millions of dollars laboriously saved by the most deserving classes of the community, and who, since the recent decision of the Supreme Court of the Legal-tender case, have no other protection than in the wisdom of Congress.

I represent a district in which there are but few capitalists. I represent 150,000 people who earn their daily bread by their daily labor. They are an industrious and saving constituency. Their money is in the savings banks of the city of New York. You will be astonished to know it, but in the State of New York over \$500,000,000 of the savings of these people are to-day loaned out to be paid back in the money of the land. If that money be depreciated 15 per cent., then the people will lose 15 per cent. of all their accumulated earnings. And this depreciation is only the beginning of the downward course in the value of silver. The commercial world has outgrown the use of silver as a necessary tool of commerce. Gold and paper instruments of exchange have taken its place. They are better and cheaper tools of trade. Silver is relegated to its proper place as a convenient subsidiary money, of which the intrinsic value is of no consequence so long as there is local redemption for it within the area where it circulates.

But gold pays international balances, and is and will remain the sole standard of value in the great markets of the world. Hence, Mr. Speaker, I oppose the whole proposition of the gentleman to open our mints to the free coinage of silver, for the reason that thereby the nation would lose at once 15 per cent. on all the silver which would flow into this country from foreign countries now earnestly seeking an opportunity to get rid of the heavy load of silver which weighs them down and embarrasses their finances. In the Bank of France alone there are \$200,000,000 seeking a market. The German Government stopped the sale of its silver when it went below 55 pence to the ounce, and is waiting a chance to unload another one hundred millions on anybody that will buy it.

But outside of these countries, whence I have heard it said on this floor silver could not come because "the people of this country were not such fools as to buy the worthless stuff," outside of these countries are India and China, the sinks of silver for more than two thousand years. In these countries gold is already at a premium of 15 per cent. as compared with silver; and men who could bring silver from India to this country and convert it into gold, as the gentleman from Missouri would allow them to do by his proposition of free coinage, would of course make all speed to gather up from all quarters the vast fund of silver in those countries and dump it down upon the people of this land, where the loss will fall upon the laboring classes, who, unless we interpose for their benefit, will be helpless to protect themselves.

Gentlemen who flatter themselves that the silver of the world will not seek the market where bullion fetches the highest price deliberately shut their eyes to the inexorable laws of trade. Silver circulates in France at the ratio of 15½ to 1 of gold only because there is no coinage of silver by the Latin Union. This coinage was suspended simply to avoid the depreciation of silver coins to the bullion value which would otherwise have taken place. Give it a market at more than its bullion value, and it will be replaced with gold as surely as the air rushes into a vacuum.

The depreciation of our silver coins, Mr. Speaker, would occur at once if the mints were now opened to the free coinage of silver. What would occur at once in that event, is just as sure to occur, if you allow time enough, under the limited coinage act of \$2,000,000 a month. This depreciation will be the slow but sure work of the monster steadily digging away at the foundations of the wealth and prosperity of this country, so that in a little while we shall be brought to the silver basis; and then all the consequences I have

predicted will occur just as certainly as if the gentleman were able to carry out his plan of free coinage at once. In that proposition he is perfectly logical. If we are to go on with the coinage of silver at all, the unlimited coinage which the gentleman proposes is the only defensible position, and ought to be put into effect, if it were not for the disastrous consequences which would send a flood of ruin over this land.

But as I have said those consequences are unavoidable, whether we continue the limited coinage or institute the free coinage of silver. Twice in my life have I witnessed the transfer in this country of vast masses of wealth from the possession of those who have created it, to the ownership of those who were shrewd or fortunate enough to profit by the situation. Once was when the legal-tender act was passed and creditors were forced to take 40 cents in payment of 100 cents which was their just due. Again, when the resumption of specie payment took place in 1879, persons who had borrowed 40 cents were forced to pay the debt with 100 cents. No tongue can describe the ruin and the misery caused by this wholesale transfer of property, the wrecks of which still survive in every State in this Union. It is because I hope to be spared the sad spectacle of another such unjust and uncalled for reversal of the laws which ought to govern the acquisition and transfer of property, that I oppose, and shall oppose, the degradation of the standard of value, whereby one class of the community, and the most deserving as it is the most helpless class, is pillaged by law for the benefit of those who live by the sweat and toil of their less fortunate and more confiding fellow-men. [Applause.]

### Appendix.

#### INDIA—FALLING OFF IN THE DEMAND FOR SILVER.

The India department of finance and commerce states the silver imports and exports of India, taking its trade with all countries for the last four years (the Indian fiscal year, like the British, ending March 31), as follows :

FISCAL YEAR.	IMPORTS.	EXPORTS.	NET IMPORTS.
1877-'78 .....	\$78,832,660	\$5,500,985	\$73,331,675
1878-'79 .....	27,968,495	8,115,025	19,853,475
1879-'80 .....	48,025,010	8,676,295	39,348,715
1880-'81 .....	26,580,780	7,117,910	19,462,870

*Table showing increase of circulation in the United States.*

DATE.	TOTAL CIRCULATION.	PER CAPITA.		
		Paper.	Coin.	Total.
October 1, 1880.....	\$1,225,359,234	\$14 10	\$10 66	\$24 76
October 1, 1881.....	1,529,548,612	15 56	14 93	30 49
October 1, 1882.....	1,566,659,668	15 81	15 42	31 23
October 1, 1883.....	1,730,598,074	17 63	16 88	34 51

*Total circulation in United States October 1, 1883.*

Gold.....	\$606,197,000
Silver.....	240,399,000
Paper.....	884,002,074
<b>Total.....</b>	<b>\$1,730,598,074</b>

*Table showing increase of silver in the United States Treasury.*

DATE.	GOLD.	SILVER.
	Per cent.	Per cent.
September 30, 1876. . . . .	90.2	9.8
September 30, 1877. . . . .	93.5	6.5
September 30, 1878. . . . .	83.0	17.0
September 30, 1879. . . . .	76.2	23.8
September 30, 1880. . . . .	63.3	36.7
September 30, 1881. . . . .	64.7	35.3
September 30, 1882. . . . .	55.4	44.6
September 30, 1883. . . . .	58.5	41.5

*Table showing proportions of world's production of gold and silver.*

SEMI-DECADES.	AVERAGE YEARLY PRODUCTION.		PROPORTION.	AVERAGE. PRICE OF SILVER.*
	Gold.	Silver.		
1852-1856 . . . . .	\$145,000,000	\$40,500,060	100 to 28	61 $\frac{1}{8}$
1857-1861 . . . . .	127,184,000	41,220,000	100 to 32	61 $\frac{1}{2}$
1862-1866 . . . . .	123,843,000	49,755,000	100 to 39	61 $\frac{1}{4}$
1867-1871 . . . . .	123,251,000	53,115,000	100 to 43	60 $\frac{1}{2}$
1872-1876 . . . . .	111,383,750	69,490,682	100 to 62	57 $\frac{1}{2}$
1877-1878 . . . . .	113,892,085	78,338,158	100 to 69	53 $\frac{1}{8}$
1879 . . . . .	105,365,697	81,037,220	100 to 77	51 $\frac{1}{4}$
1880 . . . . .	106,346,786	96,704,978	100 to 90	52 $\frac{3}{15}$
1881 . . . . .	107,202,733	102,309,675	100 to 95	51 $\frac{7}{18}$
1882 . . . . .	103,161,532	109,446,595	100 to 106	51 $\frac{1}{2}$

\* Pence per ounce in London.

## The Independent Tidal-Wave.

### Its Significance.

Seldom in the history of American politics has there been such a popular uprising against the Presidential nominee of their own party as the Republican bolt against James G. Blaine.

Leading and influential newspapers, prominent business men, college professors, and the scholars in politics, distinguished statesmen, and thousands, tens and hundreds of thousands of thinking and intelligent voters view with sorrow, disgust, and alarm the dangerous and corrupt tendencies of their party, and have determined to rebuke it by voting for the Democratic nominee.

Among the causes of this independent tidal wave are the following:

Dissatisfaction with Mr. Blaine's bad public record.

Alarm at official corruption.

Alarm at the party's subserviency to monopolies.

Opposition to its rapid drift toward centralization.

Sorrow at its disregard of constitutional methods.

Irritation at its encroachments on personal liberty by the enactment of sumptuary legislation.

Nausea at its hypocrisy.

A portion of these independent voters have stated the grounds of their opposition, and we will therefore let them tell their own story.

### Mr. Codman's Address.

At a conference of Republicans and Independents in New York on the 22d of July, Col. Charles R. Codman, of the Massachusetts Committee, was elected President of the conference, and delivered the following address :

FELLOW CITIZENS—You confer a great honor upon me in choosing me to preside in this Conference, not of office-holders, nor of office-seekers, but of citizens desiring only the honor and welfare of the Republic. We have not met here as party men, we are not sent here by party machinery ; but we come representing large bodies of citizens, who have determined for the time being to set aside the claims of party, whatever those claims may be, and to act together independently to maintain ideas, and, if possible, achieve results which shall be for the highest good, as we see it, of the whole country. The bond that unites us is a jealous sensitiveness for the national character, and resentment at an attempt to lower it in the eyes of the world. It would be, we hold, an unspeakable disgrace—in full knowledge of the facts, and with our eyes wide open—to place in the Presidential chair as the representative statesman of the United States a man who has never cleared his reputation from imputations which, if true, show that public office was used by him for private gain. We have examined the evidence against Mr. Blaine, and believing that it shows at the very least that his standard of public morality is low ; that he is a man willing to expect and to claim pecuniary advantages from those whose interests he has been enabled to advance in the exercise of his public office, and who does not stop at this, but has no hesitation in promising to use his official power and influence to further



the private ends of those with whom he desires to associate himself,—claiming that he will be no “deadhead” in aiding an enterprise which will be the gainer by Congressional favor,—joined with the disposition, when put upon his defence, to equivocate and to conceal material documents and material facts; believing all this, we say, as we are bound to say, to the American people, that this man is not fit to be their President. We are making no charges against private character; but we hold that the official record and the public acts of Mr. Blaine, his attitude toward railroad legislation and all other legislation, his transactions when Speaker of the House of Representatives or when holding any legislative position, with corporations asking for Congressional aid or in any way dependent on Congressional action, are fit and proper subjects for investigation and comment. And, if we are convinced that his record shows moral malfeasance in office, it is our right and our duty boldly to declare our opinion and to ask our fellow-citizens to refuse to confer upon such a man their highest honors and their most important political trust.

### Parties but Means to Ends.

That such is the conviction of the members of this Conference need not to be said, for why else are we here to-day? Acting as all of us have done at times with the Republican party, and most of us never failing to support its nominations, and some of us its supporters when it was neither successful nor popular, it is not without pain that we find ourselves compelled to oppose the Presidential nomination of this historical organization; but we say that parties are but means to accomplish political ends; that they must stand for principles, if they are to have any more vitality than that of a mere organization; and that they cannot live alone upon the memory of great results achieved, if they do not meet the demands of the time. And we do not see that at the present time the great parties that divide the country are clearly and unmistakably at issue upon any important question, so that we are confined in this Presidential canvass almost exclusively to the question of the fitness of candidates.

It is in some respects fortunate that it is so; for, if the Democrats had declared themselves in opposition to any political ideas which we have been accustomed to consider the cardinal principles of the Republican party, and if then the Republicans had nominated Mr. Blaine, our position would have been far more trying than it is to-day. We should have been compelled to face the painful and discouraging alternative of not sustaining cherished political opinions or of voting for a candidate we believe to be unworthy. But, happily, all the great principles, to maintain which the Republican party was founded, have long since been firmly established in the legislation of the country.

### The Maine Windmill.

It is true that Mr. Blaine, in his skillful letter of acceptance, has at last expressed very positive opinions upon one subject. He has come out as an ardent civil service reformer, now that the country has pronounced for the reform; although in the day when the cause was struggling and weak, it had no assistance from this always influential political leader. There have been one or two reactions, however, since then; and the people have in no uncertain tones proclaimed their will. It is certainly the fact to-day that political managers will not openly oppose the popular demand, and no backward steps will be taken in extending and maintaining the reform.

We have not taken the decided action that brings us here to-day without some remonstrances from our party associates. They have urged upon us the claims of the old organization and have rung the changes upon its achievements. They have told us that the great results of the war would be jeopardized if the Democratic party should come into power. They have warned us that capital would be destroyed and labor would be paralyzed if there should be a discontinuance of Republican administration. They have said that Mr. Blaine should be chosen President because he would do what other Presidents have not done and what he alone can do, and that is to make his country respected by foreign nations. To all such suggestions, we have been impervious.

We have replied that the constitutional interpretations settled by the war are not disputed; that the Democrats, who are at least nearly half the people in the country, have no desire, and can have no interest, to check the national prosperity; and that this country is respected throughout the world for its power, its freedom, its energy, and its resources, and that it will continue to be so respected, unless some “aggressive” and “magnetic” President shall succeed in making it ridiculous. There has not been much in such considerations as these to induce us to give our support to a discredited and obnoxious candidate.

But an appeal has also been made to our sympathies and to our highest sense of justice.

### Democracy not Responsible.

Are we ready, it has been asked, to justify or condone such incidents as the Copiah massacre? Will we ally ourselves with a political party that carries elections by murders and intimidation.

I answer that I believe we yield to none in our abhorrence of the affair at Copiah. It was an outrage utterly without justification, and it is an infinite disgrace to the community that tolerated it. Nor will we ally ourselves to a party that carries elections by murder and intimidation; but before all things, we will be just, and we will not charge the whole South or the whole Democratic party with the responsibility of an act that belongs to one small community alone.

Our Republican critics know perfectly well—there are no men in the country that know it better—that these occurrences could not have been prevented by any action of the Federal Government. If they could, how does it happen that during two Republican administrations there has been no attempt at Federal interference? And why is it that no Republican politician ventures to recommend such interference? No, gentlemen, the truth is that time and education and enlightened self-interest and the influence of civilization and Christianity are the agencies that must be relied upon to prevent these crimes; and, if we may judge the future by the past, we may expect that, at no distant period, the barbarous ideas and practices which slavery has left as a legacy to the South will yield to these benign influences. No one can deny, and no one ought to fail to rejoice, that such incidents as that at Copiah, which were once common, are now exceptional; and that the two races which an over-ruling Providence has placed side by side in the Southern States are approaching—under the influence of universal freedom, of equal political rights, and a wider diffusion of knowledge—a better understanding of and a more generous consideration for each other.

### No Dust in Their Eyes.

But, however that may be, we are not to be turned from what seems to us a plain and obvious duty by an attempt to appeal to any sectional feeling, or even to our sense of the wickedness of men or communities for whom we are not responsible. We shall not give up our right to condemn and denounce lawlessness and oppression in the South any more than our right to condemn political dishonesty in the North. We shall exercise both of these rights. We shall not support Mr. Blaine, nor shall we support any man who justifies the Copiah murder, if indeed such a man be found for whom any one would ask the suffrages of the people. We respect the convictions of others; but, for ourselves, we say that it is just as impossible for us to support Mr. Blaine as it is to lie or to steal.

We are assembled here to-day to confer together and to consider what practical action we shall take. We have one purpose in view, and as reasonable men we desire to act together. But we shall not, I think, make any attempt to demand pledges or to bind consciences. Whatever is done here, every man is free to follow his own course. No pledges will be asked, and certainly none will be given.

For myself, I do not hesitate to say that the defeat of Mr. Blaine should be compassed by all honorable means. It seems to me that the cause of good government, of pure politics, of American character, requires it to be done. There is but one way to do it, and that way must be obvious to us all. We desire, first of all, a President who is incorruptible; and, if, besides that, he is able and independent, so much the better.

### The Man to Pin Faith To.

We have not far to go to find a man who is all this. It has been said recently by some of the supporters of Mr. Blaine that no Democratic President was ever able to resist the pressure of party managers. It may, perhaps, be true, and possibly some Republican Presidents have been open to the same criticism; but there is certainly one Democratic official who has shown the ability to successfully resist all pressure that would interfere with the faithful performance of official duty, and he is now Governor of New York and the Democratic candidate for President of the United States—a man whose utterances and whose acts, whether as Mayor or Governor, have proved that he holds office, not for personal ends, but as a trust for the people, whose servant he is. As a lifelong opponent of the Democratic party, and with no intention now of becoming identified with it, I will yet rejoice, and I will say that it is fortunate for the Republic, that, at a crisis when the party which has been the party of progress halts and is unfaithful, the party which we have been accustomed to distrust shows wise intelligence and civic courage. It has risen to its great opportunity; and those Republicans who would make effectual opposition to a candidate they believe to be unfit can with no loss of self-respect, without surrendering a conviction, and in the exercise of the highest political expediency, give their votes to the reform Governor of New York.

Let us, then, in a vigorous and business-like way, proceed to the work before us. Let us take steps to lay before the country the evidence that has convinced us that the Republican nomination for President was unfit to be made. It is all contained in the official record of the National Legislature and it is the common property of all the people. Let us declare that we stand together, and that we ask our fellow citizens to join us to make our protest effectual against corruption in office. Let us try to impress upon the voters by our words and acts that political straightforwardness is better than political success; and, when we have done our work here, let us go to our homes, and use such influence as we have to further the cause which we conceive to be the cause of our country.

### Mr. Curtis' Address.

On the same occasion George William Curtis, of the New York Independents, spoke as follows:

The paramount issue of the Presidential election of this year is moral rather than political. It concerns the national honor and character and honesty of administration rather than general policies of government, upon which the platforms of the two parties do not essentially differ. No position taken by one platform is seriously traversed by the other. Both evidently contemplate a general agreement of public opinion upon subjects which have been long in controversy and indicate an unwillingness to declare upon other and cardinal questions views which, in the present condition of opinion, might seriously disturb the parties within themselves. Parties, indeed, now cohere mainly by habit and tradition, and since the great issues which have divided them have been largely settled, the most vital political activity has been the endeavor of good citizens in both parties to adjust them to living issues and to make them effective agencies of political progress and reform.

The indispensable necessity of this course has been long apparent, for in a time of profound peace at home and abroad the most threatening national peril is an insidious political corruption, a mercenary and demoralizing spirit and tendency, the result of which is well described by Senator Hoar, of Massachusetts, as "the shameless doctrine that the true way by which power should be gained in the Republic is to bribe the people with the offices created for their service, and the true end for which it should be used when gained is the promotion of selfish ambition and the gratification of personal revenge."

But this doctrine naturally has produced results which are still more alarming. The corrupt spirit and tendency have so rapidly developed, that they seek political power not only to gratify ambition and revenge but to promote private gain. They deride appeals to the public conscience, defend the soiled reputations of public men by the bold assertion that all public men are equally guilty, declare that success in obtaining eminent position disposes of every imputation and suspicion of wrongdoing, and despising all practical measures to reform the system of official patronage which fosters dishonest politics, make a great party nominally responsible for prolonged and monstrous fraud, and proclaim that it is the duty of every citizen who for great and beneficial ends has habitually supported a party to regard the success of the party at an election, without regard to the character of those whom it selects as its executive agents, to be a supreme national necessity. A tendency more fatal to the public welfare cannot be conceived, and when by public indifference or misunderstanding this corrupt spirit is able to demand that the country shall approve it by according to it the highest honor in its gift, every patriotic citizen must perceive that no duty could be more pressing, vital and imperative than that of baffling and defeating the demand.

If the Republican Convention has presented a candidate whose character and career were the pledge of a resolute contest with the tendencies that we have described; if they had foretold a stern dealing with political corruption and a vigorous correction of the vast abuses which the long and undisturbed tenure of power by any party is sure to breed; if the success of the candidate had promised inflexible honesty of administration, purification of the Government, and elevation of the party standard, every Republican voter would have gladly supported the nomination. But these are precisely the anticipations which the nomination forbids. It offers a candidate who is an unfit leader, shown by his own words and acknowledged acts, which are of official record, to be unworthy of respect and confidence; who has traded upon his official trust for his pecuniary gain; a representative of men, methods and conduct, which the public conscience condemns, and which illustrate the very evils that honest men would reform.

Such a nomination does not promise in the Executive chair inflexible official integrity, calm and wise judgement, a sole regard for the public welfare, and an unshrinking determination to promote reform in the civil service, and ceaselessly to pursue and punish public robbers of every kind and degree. Independent voters have generally supported



Republican nominations as more surely promising reform than those of the Democratic Party. Independents, however, cannot support a nomination which is the culmination of the tendency that they would correct. Republicans cannot hope that under such leadership as we have mentioned the abuses of the past can be corrected or the party reformed. We are very proud of the great record and services of the Republican party, but not with our consent and connivance shall that record be disgraced.

Every party must be constantly renewed by the intelligent independence of its own members, or it will sink from an agency to secure good government into a remorseless despotism. The Republican party sprang from a moral sentiment. It was the party of political morality and of personal liberty. It appealed directly to the conscience of the citizen. But, like all parties, it was a political agency not to be worshipped, but to be carefully held to the spirit and purposes on which and for which it was organized. "I do not know," said Mr. Seward, thirty years ago, when he left the Whig party to join the Republican: "I do not know that it will always or even long preserve its courage, its moderation, and its consistency. If it shall do so, it will secure and save the country. If it shall become unfaithful, as all preceding parties have done, it will, without sorrow or regret on my part, perish as they are perishing, and will give place to another, truer, and better one."

This warning must not be forgotten. It is with a profound conviction of its wisdom that Republicans faithful to their party, but holding, with the great Republican fathers, that political morality and purity of administration are more precious than party, are now constrained to oppose the Republican Presidential nomination in the interest of what they believe to be pure republicanism, of the public welfare, and of the honor of the American name.

The Republic nomination has for the time superseded all other issues by raising the question of official honesty. This question cannot be avoided except upon the plea that the official character of candidates need not be considered, and that in order to secure a party President the members of a party ought to vote for any candidate whatever who has been regularly nominated. This is a plea beyond which party madness cannot go. Acquiescence in it would require the surrender of the self-respect of every voter. There could be no candidate so unfit that this plea would not demand his support, and Republican success justified by an argument which defies the public conscience, would be the overthrow of the vital principle of the party, and show that the spirit and character which created its great traditions are rapidly perishing.

Upon the practical questions of tariff and finance, and other questions upon which both parties are divided within themselves, we also are divided in opinion. We shall vote, therefore, in the choice of representatives in Congress and other officers, according to our individual opinions of their political views and their personal character. Divided on other questions, we are united in conviction that the fountain of office and honor should be pure and that the highest office in the country should be filled by a man of absolutely unsuspected integrity.

As there is no distinctive issue upon public policy presented for the consideration of the country, the character of the candidates becomes of the highest importance with all citizens who do not hold that party victory should be secured at any cost. While the Republican nomination presents a candidate whom we cannot support, the Democratic party presents one whose name is the synonym of political courage and honesty and of administrative reform. He has discharged every official trust with sole regard to the public welfare and with just disregard of mere partisan and personal advantage, which, with the applause and confidence of both parties, have raised him from the chief executive administration of a great city to that of a great State. His unreserved, intelligent, and sincere support of reform in the civil service has firmly established that reform in the State and the cities of New York; and his personal convictions, proved by his official acts more decisive than any possible platform declaration, are the guarantee that in its spirit and in its letter the reform would be enforced in the National Administration. His high sense of public duty, his absolute and unchallenged official integrity, his inflexible courage in resisting party pressure and public outcry, his great experience in the details of administration, and his commanding executive ability and independence, are precisely the qualities which the political situation demands in the chief executive officer of the Government to resist corporate monopoly on the one hand and demagogue Communism on the other, and at home and abroad, without menace or fear, to protect every right of American citizens and to respect every right of friendly States by making political morality and private honesty the basis of constitutional administration.

He is a Democrat who is happily free from all association with the fierce party differences of the slavery contest, and whose financial views are in harmony with those of the best men in both parties. Coming into public prominence at a time when official purity,



courage, and character are of chief importance, he presents the qualities and the promise which independent voters desire and which a great body of Republicans, believing those qualities to be absolutely indispensable in the administration of the Government at this time, do not find in the candidate of their own party.

Such independent voters do not propose to ally themselves inextricably with any party. Such Republicans do not propose to abandon the Republican party nor to merge themselves in any other party, but they do propose to aid in defeating a Republican nomination which, not for reasons of expediency only, but for high moral and patriotic considerations, with a due regard for the Republican name and for the American character, was unfit to be made. They desire not to evade the proper responsibility of American citizens by declining to vote, and they desire also to make their votes as effective as possible for honest and pure and wise administration.

How can such voters, who at this election cannot conscientiously support the Republican candidate, promote the objects which they desire to accomplish more surely than by supporting the candidate who represents the qualities, the spirit, and the purpose which they all agree in believing to be of controlling importance in this election? No citizen can rightfully avoid the issue or refuse to cast his vote. The ballot is a trust. Every voter is a trustee for good government, bound to answer to his private conscience for his public acts. This conference, therefore, assuming that Republicans and independent voters, who for any reason cannot sustain the Republican nomination desire to take the course which, under the necessary conditions and constitutional methods of a Presidential election, will most readily and surely secure the result at which they aim, respectfully recommends to all such citizens to support the Electors who will vote for Grover Cleveland in order most effectually to enforce their conviction that nothing could more deeply stain the American name and prove more disastrous to the public welfare than the deliberate indifference of the people of the United States to increasing public corruption and to the want of official integrity in the highest trusts of the Government.

### Mr. Schurz's Address.

At a meeting at the Grand Opera House, in Brooklyn, August 5th, Carl Schurz, who had been invited to present his views on the issues of the campaign, delivered an exhaustive and memorable argument, from which we reproduce the following portions :

FELLOW-CITIZENS : In obedience to the invitation with which I have been honored, I stand here in behalf of Republicans opposing the presidential candidates of the Republican party. You may well believe me when I say that it is no pleasure to me to enter upon a campaign like this. But a candid statement of our reasons for the step we have taken is due to those whose companionship in the pending contest we have left. It is, therefore, to Republicans that I address myself. I shall, of course, not waste any words upon politicians who follow the name of the party, right or wrong ; but to the men of reason and conscience will I appeal, who loved their party for the good ends it was serving, and who were faithful to it in the same measure as it was faithful to the honor and the true interests of the Republic. Let them hear me, and then decide whether the same fidelity will not irresistibly lead them where we stand now.

#### The Tariff not the Issue.

At the threshold I have to meet a misapprehension of our motives. It has been said, and, I suppose, believed by some, that we were dissatisfied with the Republican party because its present candidates were protectionists. This is easily answered. Is Senator Edmunds, of Vermont, a free trader? On the contrary, he is well known to be as strong a protectionist as any member of the Senate. And who among the candidates before the Republican National Convention was the favorite of the same "independent Republicans" now opposing the Republican nominations? The same Senator Edmunds. Why was he their favorite? Because he was thoroughly trusted as an honest man who could be depended upon to be faithful to those moral principles and political methods the observance of which would make and keep the Government honest. There was the decisive point. We should have supported other Republican candidates even of less prominence and of less ability than Mr. Edmunds possesses, no matter whether they were as strong protectionists as he, provided they satisfied that one fundamental requirement of unimpeachable, positive, and active integrity. This is a fact universally known which no candid man will question. What, then, has the tariff question to do with the motives of our opposition? Nothing at all. And if any of those to whom these pres-

ents may come still assert that the tariff is the moving cause of our action, they convict themselves of being afraid of the real reasons which govern us, and of seeking artfully to deceive the people about them. So far, it may have been a mistake; now it will be a lie.

Undoubtedly the tariff is an interesting and important subject; so is the currency; so is the bank question; so is the Mormon question; so are many others. At other times they might absorb our attention. But this time the Republican National Convention has, with brutal directness, so that we must face it whether we will or not, forced upon the country another issue, which is infinitely more important, because it touches the vitality of our institutions. It is the question of honesty in government. I say the Republican Convention has forced it upon the country, not by platform declarations, but by nominating for the Presidency a man with a blemished public record. Understand me fully. The question is not merely whether Mr. Blaine, if elected notwithstanding his past career, would or would not give the country a comparatively honest Administration. The question is much larger than that. It is, whether the public record of the Republican candidate is not such as to make his election by the American people equivalent to a declaration on their part that honesty will no longer be one of the requirements of the government of the Republic. It is, whether such a declaration will not have the inevitable effect of sinking the Government for generations to come, perhaps forever, into a depth of demoralization and corruption such as we have never dreamed of before. If this is really the issue of the pending campaign, then you will admit it to be the most momentous that has been upon us since the civil war; nay, as momentous as any involved in the civil war itself.

\* \* \* \* \*

If you want to know what the result of Mr. Blaine's election would be, stop and observe what the result of his mere nomination already has been. What do you see? Men high in standing, who but yesterday were shocked at such things as Mr. Blaine has done, who thought that the people would and ought to brand them with their emphatic disapproval, now meekly apologizing for the same things and dismissing them as little eccentricities of genius. Nay, some of them grow fairly facetious at the "Pharisees," or "saints," or "dudes," or "gentle hermits" who denounce corruption to-day as they themselves denounced it yesterday. Indeed, "Pharisees" and "saints." What, then, are the strange and extravagant things which these Pharisees and saints demand, and which after Mr. Blaine's nomination have suddenly become so ridiculous? Do they ask that a candidate for the Presidency should be the ideal man and the embodiment of all the human virtues? That he should part his hair in the middle and wear lavender gloves? No, not that. But these strange creatures, these "Pharisees" and "dudes," insist that a man to be elected President of the United States should be a man of integrity; that he should have a just sense of official honor; that he should not be one with a record of prostituted official power, such as the Mulligan letters and the investigation show, upon his back. That is all. Why, how ridiculous this is, to be sure. Have you ever heard anything so outlandish?

Well, fellow-citizens, when you see grave men, men of public standing, suddenly disposed to laugh at other men who to-day refuse to honor bad practices which yesterday they all in common condemned, it is not altogether amusing. It is a rather serious symptom of the moral effect Mr. Blaine's mere nomination has already produced. But it is only one of many.

\* \* \* \* \*

There is corruption enough now. But when the American people shall have proclaimed that they care nothing for a proper sense of honor in their public men and the public service, then a crop of corruption and demoralization will ripen such as we have never dreamed of. You complain now that the money kings and the great corporations have too much power in our public concerns. But when the American people by a solemn popular election shall have taught our politicians, young and old, that they can make themselves rich by the prostitution of official trust without fear of disgrace, that they may have pelf and public honor at the same time, there will be no limit to the corrupting power of wealth, and your dreaded money kings and corporations will do in open daylight what they now attempt in the dark. Corruption will irresistibly "broaden down from precedent to precedent." Its flood may overwhelm all that we hold dear and are proud of to-day.

Citizens of the United States, I warn you solemnly not to take this fatal leap. The honor of the American people, the vitality of our institutions, the whole future of the Republic are involved in the issue. Do you want to protect that honor, to save those institutions from deadly rot and the future of the Republic from incalculable disaster and disgrace? There is but one thing to do. If a political party, however great and glorious, has been so forgetful of its dignity and its duty as to nominate a candidate for the Presidency conspicuously bearing the fatal taint, then the American people must

show that they have moral sense enough to reject him, and to reject him overwhelmingly. That is the way of salvation. There is no other.

This is not the cause of a mere party. It is greater than any party. It is in the broadest sense the cause of the people, the cause of all classes and honorable occupations alike. It speaks the language of interest and says to our merchants and business men: You know that the successful working of commerce and trade hangs upon trust between man and man. You need credit as a nation as you need confidence between individuals. If you discover that a managing man in your business is in secret concert with any of your customers and uses the opportunities of his position for his own personal profit, you confide in him no longer, but you discharge him. If you learn that the cashier of your bank so uses the opportunities of his place, you distrust the institution and withdraw your deposits. What will you think of yourselves, what will the world think of your business judgment and your sense of honesty, if in something far greater than your shop or your bank, if in the government of your country you promote the man who has done this to the highest place of honor and trust? You complain that the credit of our great enterprises has most injuriously suffered at home and abroad by the unscrupulous tricks of the inside rings in corporate management. How will it be if you give the solemn sanction of your votes to something akin to the same practice in the Government of the Republic?

This is the cause of labor and says to the workmen: What you need above all things is a government of just laws and of honest men to execute the laws. You need men who have the conscience and courage to say "No" to you when the law forbids that which you may ask for; for such men will have the conscience and courage to say "No" to those more powerful than you when they ask for what is unjust and injurious to you. Beware of the demagogue who the more he flatters you with promises to-day the more he will be likely to betray you to-morrow. Beware of the political jobber, for in the very nature of things he is always the monopolist's own pet and bedfellow. How can you, laboring men, so betray your own interests as to support a candidate whose election will mean that in the opinion of the American people jobbery in the Government is a legitimate occupation not to be punished, but to be honored?

This is the cause of patriotism and national pride, and it says to every citizen of the Republic: Do you want the world abroad to respect the American name? Then show them first that the American people respect themselves. The American people will show how they respect themselves by the choice they make for their highest honors. Ask yourselves, Americans, how this Republic will stand in the esteem of mankind, and how its influence will be upheld by the confidence of nations if the American people by a solemn vote proclaim to the world that official honor is to them a thing of indifference, and that they select their President from among those who have traded on high official trust to make money.

And in the face of all this still the cry of "Party!" Woe to the republic whose citizens think of party and nothing but party when the honor of their country and the vitality of their Government are at stake. But, happily, what an impotent cry it is in these days. Look around you and see what is going on. The time of a new migration of political forces seems to have come. The elements are restlessly moving, in all directions breaking through the barriers of old organizations. Here they march, and there, some with uncertain purposes, crossing one another's paths and sometimes even their own. No doubt one of the candidates of the two great parties will be President. But neither of the two parties, when it issues from the struggle, will be what it was before. This is the disorder which evolves new energies, for good or for evil. Such are periods of promise, but also of danger. What will come we cannot foresee. But in the confusion that surrounds us it is the part of patriotic men to stand together with clear heads and one firm purpose. The duty is plain. It is to see to it that, whatever the future may build up, its foundations at least be kept sound; that the honor of the American people be preserved intact, and that all political parties, new or old, become forever impressed with the utter hopelessness of any attempt to win success without respecting that vital condition of our greatness and glory, which is honest government.

## Independent Press on Blaine.

[*New York Herald, June 7.*]

Finally the great agony is over, and Mr. Blaine is the candidate of the Republican party for the office of President of the United States. We are sorry for it, and we believe the Republicans will all be sorry for it next November. But although every man who cares for the purity of public life and the welfare of the country, and especially all those who



hoped for the redemption of the Republican party from the evil elements that have already nearly dragged it down the depths, must poignantly regret a nomination like this, yet there has grown within a day or two in many circles a sentiment that will regard the nomination with a certain grim sense of satisfaction. Indignation of decent opinion at the ever-recurring nuisance of the Blaine candidacy, a revolt against the open shamelessness of the Blaine men and their methods, and at their scheme of carrying things with a roar and not by reason, has made men feel that at last there was perhaps but one cure for all this, which was to have the Blaine element carry the Convention and nominate their man, and then see the man and the party buried out of sight by an overwhelming defeat at the hands of the people. All who have felt that way have their cure before them; and they may at least congratulate themselves that they are now indeed in a fair way to have done with Blaine forever.

[*New York Times*, June 8.]

The demonstrations of welcome with which some former Presidential nominations have been received have been formal and perfunctory, perhaps. Mr. Blaine's is the first to be received in cold and disapproving silence by a large section of the party and with instant protest and revolt by another large element. Thousands of Republicans with whom patriotism is a sentiment enduring for life, while partisanship lasts only during the party's good behavior, that is to say the right-thinking and reasonable men of the party, are asking themselves to-day whether they are now Republicans, whether the party they belonged to and were proud to serve any longer exists. Thousands of other Republicans, less firmly attached to the party, Republicans whose allegiance is always dependent upon good nominations and right intentions, are conferring one with another about the nomination of an independent Republican ticket in opposition to Blaine and Logan. The Republican party was never brought to such a pass before. The Liberal Republican episode of 1872 was a summer shower. The party now faces a "rattling storm of arrows barbed with fire."

[*From the Boston Advertiser—Rep.*]

To a large section of the Republican party the news that the fierce struggle at Chicago has ended by the nomination of Mr. Blaine will appear ominous of disaster. To them the event will mean that the party of sound government and of high moral purpose is required to abdicate its place as the exponent of principles and to undertake the exculpation of a man, and to them it will appear, as we believe, that the decision of a National Convention no longer reflects the matured judgment of a great party holding itself responsible for the guidance of the nation, but is the chance result of a contest in which intense ambition, the most degraded political methods, and the clamor of a mob within the hall of the convention have had a victory. We need not enter upon any formal declaration of our own entire agreement with those Republicans who thus fail to find in the nomination any fit expression of the established principles and avowed aims of the Republican party. The events of the last three days have given us no answer to the objections so often urged in these columns against the nomination of Mr. Blaine and against the course of Mr. Blaine as a public man, and have presented no contingency in which these objections could be waived consistently with truth or political honor. We have, then, nothing to retract and nothing to modify. With unabated devotion to the great purposes for which the Republican party was organized and has been maintained, we declare our inability to support the nomination, either in the present aspect of the political field, or in any which now seems likely to present itself.

[*From the Springfield Republican*, June 7.]

These nominations are revolutionary. They are such as the Republican party has never before presented, and will carry dismay and alarm to thousands of men who have regarded this as the party of safety, of integrity, of principle, and of high moral ends. They portend deserved disaster and defeat to the Republican party, and a revolution in the National Administration. Our readers will observe that even among the party press the *New York Times* and the *Boston Advertiser* already decline to support the Republican ticket.

[*From New York Evening Post*, June 7.]

What is to be the issue from this deplorable and disastrous but deliberately created muddle, it is yet too soon to forecast. That Mr. Blaine cannot be elected, we look on as certain. Whether he can be defeated without ruining the organization which is being prostituted in the service of his selfish ambition remains to be seen. The extent of his defeat—that is, the size of the majority which will remove him permanently from the political arena—will depend largely on the action of the Democrats. They have now an opportunity offered them such as has not presented itself for a quarter of a century.



[*From the Worcester (Mass.) Spy, June 7.*]

Not only was Mr. Blaine the free choice of the convention, but it is safe to go further and say that his nomination is acceptable to a considerable majority of the Republican voters of the country. But that does not imply that his election will be easy. No doubt he will make a "rattling" campaign. There will be plenty of crowded meetings, ringing speeches, and tremendous cheering. But no candidate who has been thought of has so many resolute opponents among men who would gladly vote with the Republicans if the Republican Party would give them a candidate for whom they could vote with a good conscience. Mr. Blaine's admirers may think that they are unreasonable, obstinate, and prejudiced; that they magnify small faults into inexcusable offenses; that they make of slight objections insuperable obstacles; that they give too much weight to the evidence against Mr. Blaine's character, and too little to that in his favor; that they exaggerate the personal aspects of the canvass, and do not think enough of its party aspects. All this has been said many times, and will continue to be said in varying forms of expression and in diverse tones and tempers, in the endeavor to persuade or drive into the party ranks the men who think Mr. Blaine is not a fit candidate. No doubt they will prevail with some of them, but there will be a remnant whose votes will be sorely needed, perhaps will be indispensable, in the doubtful States, and especially in New York. Unfortunately the vote of an enthusiast goes no further and counts for no more than that of a quiet man without violent preferences; and, therefore, universal esteem, equally distributed over the whole country, is preferable to blazing enthusiasm in a majority of the party, with a sprinkling of settled distrust and stubborn hostility. What the independent Republicans can do in New York was proved in the election of 1882. What they will do this year will be seen in November. We should have no pleasure in predicting disaster to the Republican party, but it is impossible now to expect with confidence Mr. Blaine's election.

[*From the Boston Herald—Ind. Rep.*]

Believing that Mr. Blaine would be a bad and dangerous President, we hope to see him defeated. Believing him to be a weak candidate, we expect to see him defeated. His zealots say he can be elected without the vote of New York. They will have a chance to prove it. Perhaps they think he can be elected without the help of Massachusetts. It is not improbable that they may have a chance to test this also. If the Democrats rise to the occasion, nominate Governor Cleveland and give him an honest support in his own State, we believe they will carry the election. The government of the people, by the people, is safe in the hands of any majority of the people. Now may be a good time for the Republican party to step down and out. The National Convention has acted as if it thought so.

[*From the Chicago Daily News—Rep.*]

It is perhaps needless to say that the act of the Convention has not changed our opinion of the man who is now the nominee of the Republican party. That act may constitute in the eyes of many a veritable political lethe, but we see no reason to follow those whose convictions are so easily changed. No one has disproved the charges made against Mr. Blaine, nor have they ever been withdrawn. In short, he is to-day in all respects the same man that he was before the Convention assembled.

[*From the Philadelphia Times—Ind.*]

The sober, serious fact that Mr. Blaine's partisans must face is that the large body of conservative citizens who hold the balance of power in every one of the debatable eastern States—New York, New Jersey, and Connecticut, and even Massachusetts—profoundly distrust Mr. Blaine and will not support him for the Presidency. Whether their opposition be made effective for his defeat will depend, of course, on the alternative offered by the Democratic party next month, but if he be elected it will be through Democratic folly and not in any case by brass bands.

[*From the Buffalo Commercial—Rep.*]

It would be arrant hypocrisy for the *Commercial* to pretend to be satisfied with the result of the Chicago Convention. \* \* \* The *Commercial* has freely criticized Mr. Blaine's availability as a candidate. We have said that we did not believe he could carry New York State, and that to elect him would demand the utmost exertions of the Republican party. To what we have said we adhere.

[*Boston Transcript (Rep.), June 9.*]

The Republicans of the country had a right to expect that their delegates at Chicago would place in nomination a man for whose career no explanation nor apology need be

made, pledged by his record and present utterances to administrate reform, and whose broad and conservative judgment would be a guarantee of domestic prosperity and a security against the dangers of all ambitious and visionary policies. It is yet to be seen to what extent the Republicans throughout the country will ratify the selection of the convention. The effervescence attending the nomination, when first made, is visibly waning, although Mr. Blaine's campaign, to be a successful one, must have the same whoop and hurrah throughout that captured the Chicago Convention. We do not propose to reiterate the charge against James G. Blaine of using public position for private gain. Public opinion is fixed, we believe, as to the truth of that matter. But if this allegation could be fully met then there would still remain Mr. Blaine's floundering course as Secretary of State, his dangerous diplomacy while in that office, and the feeling this has produced in the community that his election would give the country a sensational rather than a safe President.

[*New York Staats Zeitung.*]

We would prefer that the country had been spared the danger of the election of such a President. It does not occur to us that Blaine is a weak character. His "magnetism" is no empty phrase. When he left Congress to become the head of the Executive (for he was the only head of the Garfield Administration) he was obliged to prop up his popularity by a combative foreign policy, which should tickle the vanity of the nation, so little did he regard the true interests of the people. To this course the man will always adhere, no matter in what position he may be. He is the boldest, ablest representative of all those who fight for that political power which misrepresents the people.

[*Wilmington News, (Rep.), June 10.*]

Those who regarded Blaine as an unavailable candidate are already justified in their judgment, their predictions and their fears. This movement on the part of the Republican press and in respect to the Republican candidate is startling by its suddenness, its determination and its extent. It adds squarely before the noise of the shouting at Chicago has fairly died away, a new element of uncertainty, as to every eastern State that has hitherto been conceded to be doubtful, and it distinctly adds Massachusetts to the list. It is too early yet to measure the full force and significance of this Republican revolt. That it exists at all is a striking evidence of the sagacity of those who regarded Mr. Blaine's nomination as injudicious. It brings into the opposition to the Republican ticket—not necessarily into the Democratic party—an intellectual and moral power which hitherto has been among the most cherished and useful of the Republican resources.

[*New Haven Morning News (Rep.), June 7.*]

Is that man going to build up the party whose nomination alienates some of its most honored leaders? Is the great army of Republicans to be consolidated under a commander who begins his first battle with a corps of Independent Republicans deserting from his standard? Is his selection the choice of a leader who will conciliate and unite rather than distract and weaken? A Republican National Convention has at last made one of those mistakes which it has so often had opportunities to charge upon its foes. Whether the error proves fatal depends largely on whether the coming Democratic National Convention gives voters only a choice of evils.

[*Chicago Evening Mail (Ind.), June 9.*]

Is James G. Blaine Jay Gould's man? Despite his friendly relations with General Grant, Mr. Gould did his utmost to secure the nomination for Blaine in 1876 and again in 1880. Evidently he has not changed his mind in the past eight years. He is still for Blaine. Putting this and that together, the voters of the country have something upon which to cogitate. There are some forfeited land grants in which the people and Jay Gould have conflicting interests. Contingencies may at any time arise when it would be most convenient for Mr. Gould to have a staunch friend in the Presidential chair. Occasionally the veto is of inestimable value. Perhaps the impression that Mr. Gould stands behind him does the Maine statesman grievous wrong. It behooves Mr. Blaine and his friends to at once strive to disabuse the public mind. Otherwise mere suspicion will be mistaken for irrefragable proof as the canvass progresses. The people are not quite ready to elevate Mr. Gould to a place behind the throne greater than the throne itself.

[*From the Christian Union.*]

The nominations at Chicago have brought genuine grief to a large and very intelligent body of voters inside the Republican party. They were never more ardently attached to Republican principles than they are to-day, and they stand aloof from their old-time fellowships in the crisis of a Presidential election with unfeigned regret. But

they cannot do otherwise, again and again in the last eight years they have declared their unalterable determination not to support Mr. Blaine for the Presidency. Their opposition is not captious; they have come to distrust Mr. Blaine with reluctance, and have yielded to doubt only because they could not shut it out; they have never endeavored to impose any candidate of their own upon the party. It is through no fault of theirs that they now stand silent in a campaign to which they had looked forward as opening another and nobler chapter in the history of the nation.

[*From the Springfield Republican.*]

It is not to be wondered at that members of the Republican National Committee complain bitterly that "the cause" is without satisfactory newspaper advocacy. This is the first striking feature of the situation. The *New York Tribune* is playing light Blaine tunes, the *Commercial Advertiser* generally does the same, and of the weekly and illustrated papers *Frank Leslie's* may be counted on supporting the Republican ticket—and the trio represents a total circulation of perhaps 100,000 copies. On the other side is ranged almost solidly the rest of the press of the city, which stands for a circulation of over half a million copies, the *Times*, *Herald*, *Evening Post*, *Telegram*, *World*, *Staats Zeitung*, *Harper's Weekly*, *Puck* and *Sun*—which is certainly anti-Blaine—making up the interesting array. Whatever may be said about the influence of newspaper writing in determining the results of elections, it will not be denied that newspapers reflect to a great extent the local sentiment.

## Independent Press on Cleveland.

[*New York Herald, July 12.*]

"The *Herald* puts at the head of its columns the Democratic ticket for President and Vice-President of the United States. We congratulate the Democratic party upon the work of its Convention at Chicago and the opportunity it offers to the American people, through a union of patriotic voters, by whatever name they call themselves—Democrats, Independents, Labor Reformers, or whatsoever else—to redeem the country from the disgrace and peril to which the Republican party has plotted to expose it by the thoroughly bad nominations of Blaine and Logan.

"Cleveland's easy nomination on the second ballot yesterday justifies all that we have thought and said of the sound judgment and good sense of this Convention when put to a decisive test of choosing what is vital, sound and vigorous in the Democracy and what is very much the other way; and the convention is to be congratulated upon the fact that it has named the man who will be the next President.

[*Harper's Weekly, July 19.*]

"The nomination of Governor Cleveland defines sharply the actual issue of the Presidential election of this year. He is a man whose absolute official integrity has never been questioned, who has no laborious and doubtful explanations to undertake, and who is universally known as the Governor of New York, elected by an unprecedented majority which was not partisan, and represented both the votes and the consent of an enormous body of Republicans, and who as the Chief Executive of the State has steadily withstood the blandishments and the threats of the worst elements of his party, and has justly earned the reputation of a courageous, independent, and efficient friend and promoter of administrative reform. His name has become that of the especial representative among our public men of the integrity, purity, and economy of administration, which are the objects of the most intelligent and patriotic citizens. \* \* \* The nomination of Governor Cleveland is due not so much to the preference of his party as to the general demand of the country for a candidacy which stands for precisely the qualities and services which are associated with his name."

[*N. Y. Times, July 12.*]

It is not only in what he clearly represents but in what he distinctly opposes that Grover Cleveland is strong before the American people. His career has made him the exponent of clean and honest politics. In the administration of public trusts he has shown that he is superior to partisan bias, indifferent to such party interests as are in conflict with official probity and the public welfare. He has been severely tried in the important and responsible post he now occupies. He has resisted the importunities of designing politicians, he has defeated the purposes of selfish schemers. All those members of his own party who are not absorbed in private aims which are in conflict with the public good are outspoken in his praise; and he has won the good opinion of all Republicans who are not so far gone in partisanship as to have lost the power to commend upright conduct in a political adversary.



[*The Nation*, July 17.]

The nomination of Governor Cleveland by the Democratic Convention makes the way perfectly plain and simple for all friends of good government who are for any reason dissatisfied with the Republican candidate. This time the Democrats have made no mistake.

\* \* \* Cleveland has happily something far stronger than the promise of a strong character to commend him to the suffrages of good men of all parties. He is a tried administrator. One of the Blaine organs in its great agony has tried to relieve itself by calling him "a man destitute of experience." Of one kind of experience—experience in political trickery and manipulation, and in the art of making money for himself and his friends out of politics—he is, indeed, destitute. But the present extraordinary political crisis is due to the profound and growing popular belief that this kind of experience is too common among our statesmen, and that the Republican candidate in particular is too rich in it either for his own or his country's good. Of the kind of experience which the present situation in national affairs most imperatively calls for, experience in administration, Cleveland has more than any one who has entered the White House since 1860, more than any man whom either party has nominated within that period, except Seymour and Tilden—more than Lincoln, more than Grant, more than Hayes, more than Garfield, more than Arthur.

He laid at the start the best of all foundations for American statesmanship by becoming a good lawyer. He began his executive career by being a good county sheriff. He was next intrusted with the administration of a great city—as severe a test of a man's capacity in dealing with men and affairs as any American in our time can undergo. In both offices he gave boundless satisfaction to his fellow-citizens of both parties. His nomination for the Governorship of this State came in due course, and at a crisis in State affairs which very closely resembled that which we are now witnessing in national affairs. His election by an unprecedented majority is now an old story. It was the beginning of a revolution. It was the first thorough fright the tricky and jobbing element in politics ever received here. It for the first time in the experience of such politicians gave reform an air of reality."

[*From the Springfield (Mass.) Republican.*]

The Democratic party has come fully up to its great opportunity and placed in nomination for the presidency Governor Cleveland, of New York, with Hendricks, of Indiana, in the second place, as in 1876. It is the old ticket of 1876, with the new reforming Governor of New York in place of the old. This is a happy union of the available half of the ticket of 1876, and of the new and vigorous manhood of the party, with its recent experience in practical administration, and its just appreciation of the present issues. The nomination of this ticket gives the Democracy approximately an even chance of carrying the country. They have sound candidates upon a good platform.

[*From the Boston Herald.*]

With Cleveland as the Democratic candidate the composition of the two parties will be materially changed. Democrats who are in politics for the spoils and plunder they can get out of it, will, many of them openly, or secretly, go for Blaine. The better portion of the Republican party, embracing men of principle and independence, will furnish votes for Cleveland. If the Republican leaders are satisfied with the exchange they are not to be envied their capacity for being pleased. With a reform candidate, nominated by the Democratic party solely because he is and has always been a reformer, and is acceptable to the reform voters, it looks like the beginning of a practical reorganization of parties. It certainly looks like the beginning of the end of the Republican party as at present organized and led. Defeat will do the Republican party good. Success will do the Democratic party good.

[*From the New York Staats-Zeitung.*]

It cannot be honestly denied that a change of parties in office, brought about without revolution, can only have a wholesome effect. No party can continue a long, uninterrupted possession of power without becoming a prey to corruption. The Republican party has furnished ample proof of this. Let there be an opportunity offered to the people for a change of parties of such a kind that the victors must give up all idea of a general distribution of the offices among their adherents and the people will joyfully agree to it. The nomination of Cleveland gives this guarantee. His record as chief magistrate of a large city and a great State has made him in the popular mind the prototype of a conscientious official, unwavering in principle, and one who, to the deep chagrin of professional politicians, has always held the public interest paramount to party considerations. Mr. Cleveland will certainly use the whole power of the Presidential



office to purify the federal service, and to keep it pure, and this, above all, is expected by the people of the President. Wherever corruption has taken root he will not, as would be the case with a Republican President, have to exercise leniency, and he will take proper precautions in order that the corruption may not be continued under the Democratic *régime*. No earthly power will be able to induce him to let corruptionists use the influence of his high office.

His is the well-earned record of a personally pure man and a practical reformer of the public service. With conscientious zeal he watched over the doings of the legislative branch of the State government, and displayed the same conscientious care in scrutinizing and approving its acts. His reputation in this respect is an enviable one. These considerations will have the same wholesome effect in the elections as in the nominating Convention. The circumstances were and are such that a man of this stamp must be brought forward; hence he has been given the preference over the most tried leaders of the party in national politics. No one expects that he will be a partisan leader in national politics, but it is expected that the purification of the public service, which he must undertake as chief of the executive branch of the government, will have a beneficial effect upon the morals of his party as well as upon all branches of the government. It is evident that for this very reason Mr. Cleveland will be the antipode of the Republican candidate for the Presidency. The personal character and record of the Republican nominee are such that they lead to the conclusion that under his administration corruption would be fostered more than ever and would completely poison the public service.

The point has been forcibly made in Chicago that Cleveland's strength among the German-Americans is especially great, and this has, as we learn from good sources, contributed essentially toward securing him the nomination. \* \* \* \* \* The Germans were recognized in Chicago as a model political element, which holds reform measures paramount over all other considerations and which cannot be made to swerve from this deep rooted opinion by party consideration or that kind of patriotism commonly called State pride. Blaine's personal corruption has principally brought about the decided aversion of the Germans against him, and his identification with the Prohibitionists and Knownothingism has given additional strength to this aversion.

The Republican party has, since Blaine's nomination, entirely lost the hold it once had on the Germans, which had been greatly weakened after the slavery issue had been disposed of, and especially since the Republican party became a synonym for corruption. Hence, the nomination of Mr. Cleveland will make it especially advisable for the Germans to join *en masse* the Democratic party. The large Northwestern States, where the Germans have for so many years enabled the Republican party to maintain its power, have, under these circumstances, become doubtful States, and we may expect a great political revolution in Indiana and Wisconsin, and perhaps even in Illinois.

## Appendix.

### Thomas Jefferson's Inaugural Address.

The first Democratic President, Thomas Jefferson, in his inaugural address on the 4th of March, 1801, promulgated the fundamental theories of government and constitutional construction, which still constitute the party creed. They should be studied and preserved in the minds and hearts of the people as an ever-living rebuke to the imperial tendencies of the Republican party. They are as follows :

"About to enter, fellow citizens, on the exercise of duties which comprehend everything dear and valuable to you, it is proper that you should understand what I deem the essential principles of our government, and consequently those which ought to shape its administration. I will compress them within the narrowest compass they will bear, stating the general principle, but not all its limitations.

"Equal and exact justice to all men of whatever state or persuasion religious or political.

"Peace, commerce and honest friendship with all nations, entangling alliances with none.

"The support of the State governments in all their rights, as the most competent administrations for our domestic concerns and the surest bulwarks against anti-republican tendencies.

"The preservation of the general government in its whole constitutional vigor, as the sheet-anchor of our peace at home and safety abroad.

"A jealous care of the rights of election by the people—a mild and safe corrective of abuses which are lopped by the sword of revolution where peaceable remedies are unprovided.

"Absolute acquiescence in the decisions of the majority—the vital principle of republics from which there is no appeal but to force, the vital principle and immediate parent of despotism.

"A well-disciplined militia, our best reliance in peace, and for the first moments of war, till the regulars may relieve them.

"The supremacy of the civil over the military authority.

"Economy in the public expense, that labor may be lightly burdened.

"The honest payment of our debts and sacred preservation of the public faith.

"Encouragement of agriculture and of commerce as its handmaid.

"The diffusion of information and the arraignment of all abuses at the bar of public reason.

"Freedom of religion ; freedom of the press ; freedom of the person under the protection of the habeas corpus ; and trials by juries impartially selected.

"These principles form the bright constellation which has gone before us, and guided our steps through an age of revolution and reformation. The wisdom of our sages and the blood of our heroes have been devoted to their attainment. They should be the creed of our political faith—the text of civil instruction—the touch-

stone by which to try the services of those we trust; and should we wander from them in moments of error or alarm, let us hasten to retrace our steps and to regain the road which leads alone to peace, liberty, and safety."

### William Allen's Definition of Democracy.

The fundamental principles of Democracy were never better stated than by that distinguished leader ex-United States Senator William Allen, of Ohio.

"Democracy is a sentiment not to be appalled, corrupted, or compromised. It knows no baseness; it cowers to no danger; it oppresses no weakness. Fearless, generous and humane, it rebukes the arrogant, cherishes honor, and sympathizes with the humble. It asks nothing but what it concedes; it concedes nothing but what it demands. Destructive only of despotism, it is the sole conservator of liberty, labor and property. It is the sentiment of freedom, of equal rights and equal obligations. It is the law of nature pervading the land. The stupid, the selfish, and the base in spirit may denounce it as a vulgar thing; but in the history of our race, the Democratic principle has developed and illustrated the highest moral and intellectual attributes of our nature. It is a noble, a sublime sentiment which expands our affections, enlarges the circle of our sympathies, and elevates the soul of man, until claiming an equality with the best, it rejects as unworthy of its dignity any political immunities over the humblest of his fellows. Yes, it is an ennobling principle; and may that spirit which animated our revolutionary fathers in their contest for its establishment, continue to animate us, their sons, in the impending struggle for its preservation."

### Samuel J. Tilden's Farewell Letter.

NEW YORK, June 10, 1884.

*To Daniel Manning, Chairman of the Democratic State Committee of New York:*

SIR—In my letter of June 18, 1880, addressed to the delegates from the State of New York to the Democratic National Convention, I said:

"Having now borne faithfully my full share of labor and care in the public service, and wearing the marks of its burdens, I desire nothing so much as an honorable discharge. I wish to lay down the honors and toils of even quasi party leadership and to seek the repose of private life.

"In renouncing renomination for the Presidency, I do so with no doubt in my mind as to the vote of the State of New York, or of the United States, but because I believe that it is a renunciation of re-election to the Presidency.

"To those who think my renomination and re-election indispensable to an effectual vindication of the right of the people to elect their rulers, violated in my person, I have accorded as long a reserve of my decision as possible, but I cannot overcome my repugnance to enter into a new engagement which involves four years of ceaseless toil.

"The dignity of the Presidential office is above a merely personal ambition, but it creates in me no illusion. Its value is as a great power for good to the country. I said four years ago, in accepting the nomination:

"Knowing as I do, therefore, from fresh experience how great the difference is between gliding through an official routine and working out a reform of systems and policies, it is impossible for me to contemplate what needs to be done in the Federal administration without an anxious sense of the difficulties of the undertaking.

"If summoned by the suffrages of my countrymen to attempt this work I shall endeavor with God's help to be the efficient instrument of their will.

“ ‘Such a work of renovation, after many years of misrule, such a reform of systems and policies, to which I would cheerfully have sacrificed all that remained to me of health and life, is now, I fear, beyond my strength. ’ ”

My purpose to withdraw from further public service, and the grounds of it, were at that time well known to you and to others ; and when, at Cincinnati, though respecting my wishes yourself, you communicated to me an appeal from many valued friends to relinquish that purpose, I reiterated my determination unconditionally.

In the four years which have since elapsed, nothing has occurred to weaken, but everything to strengthen, the considerations which induced my withdrawal from public life. To all who had addressed me on the subject, my intention has been frankly communicated. Several of my most confidential friends, under the sanction of their own names, have publicly stated my determination to be irreversible. That I have occasion now to consider the question is an event for which I have no responsibility. The appeal made to me by the Democratic masses, with apparent unanimity, to serve them once more is entitled to the most deferential consideration, and would inspire a disposition to do anything desired of me if it were consistent with my judgment of duty.

I believe that there is no instrumentality in human society so potential in its influence upon mankind for good or evil as the governmental machinery for administering justice and for making and executing laws. Not all the eleemosynary institutions or the private benevolence to which philanthropists may devote their lives are so fruitful in benefits, as the rescue and preservation of this machinery from the perversions that make it the instrument of conspiracy, fraud and crime against the most sacred rights and interests of the people.

For fifty years, as a private citizen, never contemplating an official career, I have devoted at least as much thought and effort to the duty of influencing aright the action of the governmental institutions of my country, as to all other objects. I have never accepted official service except for a brief period for a special purpose, and only where the occasion seemed to require from me that sacrifice of private preferences to the public welfare.

I undertook the State administration of New York because it was supposed that in that way only could the executive power be swayed on the side of the reforms to which, as a private citizen, I had given three years of my life.

I accepted the nomination for the Presidency in 1876 because of the general conviction that my candidacy would best present the issue of Reform, which the Democratic majority of the people desired to have worked out in the General Government, as it had been in that of the State of New York. I believed that I had strength enough then to renovate the administration of the Government of the United States, and at the close of my term to hand over the great trust to a successor faithful to the same policy.

Though anxious to seek the repose of private life, I nevertheless acted upon the idea that every power is a trust, and involves a duty. In reply to the address of the committee communicating my nomination, I depicted the difficulties of the undertaking, and likened my feelings in engaging in it to those of a soldier entering battle, but I did not withhold the entire consecration of my powers to the public service.

Twenty years of continuous mal-administration under the demoralizing influence of intestine war and of bad finance have infected the whole governmental system of the United States with the cancerous growth of false constructions and corrupt practices. Powerful classes have acquired pecuniary interests in official abuses, and the moral standards of the people have been impaired. To redress these evils is a work of great difficulty and labor, and cannot be accomplished without the most energetic, efficient and personal action on the part of the Chief Executive of the Republic.



The canvass and administration, which it is desired that I should undertake, would embrace a period of nearly five years. Nor can I admit any illusion as to their burdens. Three years of experience in the endeavor to reform the municipal government of the City of New York, and two years of experience in renovating the administration of the State of New York, have made me familiar with the requirements of such a work.

At the present time, the considerations which induced my action in 1880, have become imperative. I ought not to assume a task which I have not the physical strength to carry through. To reform the administration of the Federal Government ; to realize my own ideal, and to fulfill the just expectations of the people, would indeed warrant, as they could alone compensate, the sacrifices which the undertaking would involve. But, in my condition of advancing years and declining strength, I feel no assurance of my ability to accomplish these objects. I am, therefore, constrained to say, definitely, that I cannot now assume the labors of an administration or of a canvass.

Undervaluing in no wise that best gift of heaven, the occasion and the power sometimes bestowed upon a mere individual to communicate an impulse for good ; grateful beyond all words to my fellow countrymen who would assign such a beneficent function to me, I am consoled by the reflection that neither the Democratic party, nor the Republic for whose future that party is the best guarantee, is now, or ever can be, dependent upon any one man for their successful progress in the path of a noble destiny.

Having given to their welfare whatever of health and strength I possessed, or could borrow from the future, and having reached the term of my capacity for such labors as their welfare now demands, I but submit to the will of God in deeming my public career forever closed.

SAMUEL J. TILDEN.



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